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MEDICO-LEGAL STUDIES

VOLUME VII.

BY

CLARK BELL, ESQ., LL. D.

OF THE NEW YORK BAR.

39 BROADWAY, NEW YORK,
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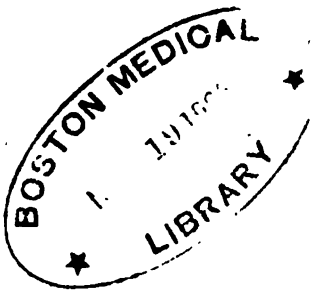

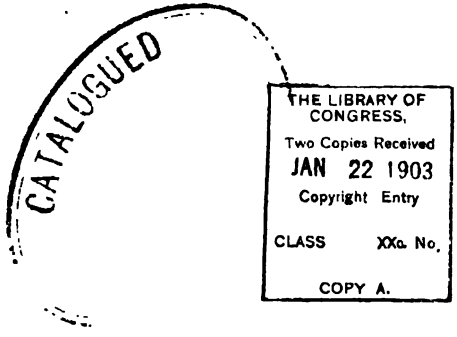

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DEDICATION.

TO THE HON. LUTHER R. MARSH.

Permit me to dedicate this volume to you, as a memento, not only of my affection and regard, but as a tribute to the qualities of head and heart that have crowned your long, useful and exemplary life. For more than twenty years, since you have passed the limit fixed by the Psalmist, we have been close friends and you have always been an inspiration to me and have lifted up my soul.

Few men have been permitted in our time to reach the summit, or see the vistas looking backward that are vouchsafed to you.

That your last days may be full of those serene and peaceful joys that the Infinite grants charingly and only to His beloved after they have reached four score and ten years is the fervent hope of your loving friend.

CLARK BELL.

Bell View, Aug. 10th, 1902.

PREFACE.

The years 1900 to 1902 were largely devoted to the organization and moulding into form, for practical work, the American Congress on Tuberculosis. Its initial meeting was held in February, 1900.

The foremost co-workers in this movement, on the medical side, were Drs. A. N. Bell, editor of the Sanitarian, of Brooklyn; T. D. Crothers, of Hartford; J. Mount Bleyer, of New York; Charles Denison, of Denver; Chas. Wood Fassett, of Chicago, Ill.; Karl Von Ruck, of Ashville, N. C.; Henry B. Baker, of Michigan; U. O. B. Wingate, of Milwaukie; Col. E. Chancellor, of St. Louis; Dwight S. Moore, of North Dakota; R. J. Rosenau, of the Marine Hospital service, Washington, D. C.; A. P. Grinnell, of Burlington, Vt.; H. W. Mitchell, of New York; F. T. Labadie, of New York; O. E. Osborne, of Cal.; M. J. Brooks, of Conn.; A. F. Lyle, of Cincinnati, on the Medical side, and Hon. Abram H. Dailey; Hon. Moritz Ellinger, with the author of this volume acting Secretary and Treasurer of the body, and chairman of its Executive Committee on the legal or lay side.

The movement originated in the Medico-Legal Society and was the work of the committees it created and directed.

The preliminary organization was affected at the February meeting, of 1900, on a broad and comprehensive basis.

In 1901, the second annual session was held and was a signal success, both in the character of the papers it presented of its members and new strength given to it, from the leading American Boards of health, and by aid from Dr. Liceaga, of Mexico. Dr. Henry D. Holton, then Secretary of the State Board of Health, of Vt., was chosen President, and Dr. E. P. Lachapelle, President of the Provincial Board of Health, of the Province of Quebec; Dr. J. C. Shrader, President of the State Board of Health of Iowa, were added to the executive committee, and the field of its operation extended to embrace the Government of Canada, Mexico and all the Latin American Republics in the Western Hemisphere.

The purpose and chief aim of the movement was to influence legislation to prevent the spread of Consumption, and so far as possible, arrest its ravages by preventive legislation.

The treatment of the disease is a purely medical question and was an incidental question, only to the main purpose of the body, which grappled with the most important question of Forensic Medicine of our day.

It may have been an error to have embraced the treatment of the disease in the purpose and labors of the body. It might have been wiser to have omitted it entirely, but the issue of State Hospitals and Sanitariums for the treatment of the poor victims was, in 1900, a burning question in all countries and one of deep interest to the people of the whole country; and if the influence of the body has been of weight in stimulating public sentiment in favor of State Hospitals, as is claimed,

then the evils of the many systems and methods of treatment, which agitate and divide the medical profession which could have been avoided by its omission, ought not to be overlooked when criticising the founders for including it. It may be that the body would be stronger, more influential and powerful by eliminating all questions, except the supreme one of preventive legislation. The management will doubtless consider that issue.

Much of the present volume and of the succeeding one, will be occupied by questions incident to this labor.

The problem relating to Psychic Phenomena and the symposium of authors, respecting Spiritism, Hypnotism and Telepathy, occupied a considerable space in the work of the Medico-Legal Society in 1901.

The author has embraced in this volume the views of more than twenty students of those departments of study, whom he has induced to contribute to the discussion of the subject involved in the statement made by Mrs. Leonora E. Piper, and through the courtesy of the New York Herald, has furnished also the statement made by herself and others to its columns.

The remaining selections of the volume are of contributions to the columns of the Medico-Legal Journal, in 1901 and 1902.

New York, August, 1902.

PORTRAITS.

New York Supreme Court—Appellate Division—Fourth Department.....Frontispiece
Hon. Wm. M. Adams, Presiding Justice; Hons. Pardon C. Williams, Peter B. McLennan, Alfred Spring, Frank H. Hiscock, Associate Justices.
Ex-Chief Justices Supreme Court of Texas 23
Hon. John Hemphill, Hon. Royal T. Wheeler, Hon. George F. Moore, Hon. Asa H. Willie.
Prominent Officers of International Congress of Hypnotism 1900 (Paris)..... 33
Prof. Raymond, Dr. Jules Voisin, Dr. Edgar Berillon, Dr. A. De Jong, Prof. A. Tamburini, Dr. Paul Farez.
Lord Russell, of Killowen, late Lord Chief Justice of England..... 44
Prominent Authors and Officers of the Medico-Legal Congress..... 51
Prof. M. C. White, G. E. Shuttleworth, B. A., M. D., Ex-Gov. R. P. Flower, Prof. R. Ogden Doremus, M. D., Norman Kerr, M. D., Moritz Ellinger, Esq., Hon. Rastus S. Ransom.
Florence E. Maybrick..... 67
Ex-Chancellors of New Jersey..... 97
Ex-Chancellor Runyon, Vice-Chancellor Hon. John T. Bird, Vice-Chancellor Hon. Abraham B. Van Fleet.
Supreme Court of New Hampshire—The Present Bench..... 112
Hon. Robert J. Peaslee, Hon. Wm. Martin Chase, Hon. Robert M. Wallace, Hon. Isaac N. Blodgett, Hon. Frank N. Parsons, Hon. John E. Young, Hon. Robert G. Pike.
Portraits of Eminent Alienists and Medical Men..... 121
Gershom H. Hill, M. D., Theo. Diller, M. D., Wm. P. Spratling, M. D., H. O. Jewett, M. D., G. R. Trowbridge, M. D., W. H. Haviland, M. D., Middleton Michael, J. T. Steeves, M. D., S. V. Clevinger, M. D., F. T. Fuller, M. D., O. W. Archibald, R. J. Dunglison, M. D.
Ex-Chief Justices of the Supreme Court of New Hampshire..... 129
Hon. Lewis W. Clark, Hon. Samuel Dana Bell, Hon. Charles Doe, Hon. Alonzo P. Carpenter, Hon. J. Everett Sargent, Hon. Henry A. Bellows.
Prominent Sanitarians in Favor of Legislation to Prevent Spread of Tuberculosis..... 136
Hon. Abram H. Dailey, Dr. T. D. Crothers, Prof. Thos. Bassett Keyes, Sir Jas. A. Grant, Dr. J. J. Gibson, Dr. Geo. G. Verbryck, Mihran K. Kassabian, M. D., Dr. T. B. Lacey.
Supreme Court of Minnesota..... 153
Hon. John A. Lovely, Hon. Charles L. Brown, Hon. Charles L. Lewis.
New and Old Members of the Medico-Legal Society..... 160
Hon. Geo. F. Moore, Prof. Stanford E. Chaille, M. D., Arthur S. Wolff, M. D., H. Gerald Chapin, Esq., LL. D., W. H. S. Monck, Esq., LL. B., Ada M. Chevallier, M. D., John Lochner, M. D., A. Laura Joscelyn, Andrew J. Hirschl, Esq.
Officers, Authors and Prominent Members of the American Congress on Tuberculosis. 169
Dr. E. P. Lachapelle, Dr. E. J. Barrick, Dr. A. N. Bell, Dr. Geo. Brown, Dr. E. Chancellor, Dr. Henry D. Holton, Louis J. Rosenberg, Dr. W. F. Drewey.
Officers and Prominent Members of the American Congress on Tuberculosis..... 177
Dr. Augustus C. Bernays, Governor Nash, Dr. W. L. Bullard, Dr. W. E. Woodward, Dr. H. Edwin Lewis, Dr. Joaquin Yela, Dr. A. E. Osborne.
Ex-Chief Justices of the Supreme Court of Rhode Island 184
Samuel Eddy, LL. D., Daniel Lyman, James Penner, James Burrill, Jr., Richard W. Greene.
Officers, Authors and Prominent Members of the American Congress on Tuberculosis. 192
J. B. Clayberg, Esq., Samuel Bell Thomas, Esq., Dr. C. C. Carroll, Moritz Ellinger, Esq., Dr. J. Hildegarde Tyndale, J. W. P. Smithwick, M. D., J. A. McNeven, M. D., M. M. Smith, M. D.
Supreme Court of Minnesota—The Present Bench..... 208
Hon. Charles M. Start, Chief Justice; Hon. Daniel Buck, Hon. Loren W. Collins, Hon. Wm. Mitchell, Hon. Thomas Canty, Associate Justices.
Gen. James M. Varnum, Supreme Court of the Territory of Ohio..... 224
Ex-Associate Justices of the Supreme Court of Minnesota 240
Hon. Moses C. Sherburne, Hon. Andrew G. Chatfield, Hon. Charles E. Flandrau, Hon. C. E. Vanderburgh, Hon. Greenleaf Clark.
Ex-Chief Justices of the Supreme Court of Texas 250
Hon. Oram M. Roberts, Hon. Robert S. Gould, Hon. John W. Staytorn.
Vice-Presidents and Prominent Members of the American Congress on Tuberculosis.. 268
Dr. John A. Robison, Dr. U. O. B. Wingate, Dr. Edward Liceaga, Dr. Louis Labayle, Dr. C. F Ulrich, Dr. Louis Leroy, Dr. T. Virgil Hubbard.
Ex-Chief Justices of the Supreme Court of Kansas..... 273
Hon. Nelson Cobb, Hon. Samuel A. Kingman, Hon. David Martin, Hon. Robert Crozier.
Clark Bell, Esq., LL. D., President Medico-Legal Society of New York..... 284
Thomson Jay Hudson, Ph. D., LL. D..... 287
Dr. John Duncan Quackenbos..... 304
Judge Abram H. Dailey..... 331
Hon. Luther R. Marsh..... 355
H. C. Wright..... 361
Eleanor Gridley..... 363
T. D. Crothers, M. D..... 369
Dr. Alexander Wilder..... 373
Dr. William Lee Howard..... 378
Prof. W. Xavier Sudduth..... 381
Mrs. M. Louise Thomas..... 387
Rev. George H. Hepworth..... 388
Mary Elizabeth Lease..... 390
Richard Hodgson, LL. D..... 393
Rev. S. Minot Savage..... 398
Prof. J. H. Hyslop..... 420
C. Van de Chenoweth..... 422
Mrs. Leonora E. Piper..... 424
Dr. F. E. Daniel..... 438

CONTENTS.

Cotton Mather and the Witchcraft Delusion..... 1
Medical Jurisprudence in America in the XIX Century..... 6-50
Texas Early Judicial History..... 23
The Paris Exposition and Congress..... 28
International Congress of Hypnotism..... 34
Lord Russell of Killowen and the English Press..... 38
Chief Justice Killowen..... 45
Report of the Memorial Committee in the Case of Mrs. Florence E. Maybrick..... 66
Resolutions of the Medico-Legal Society on the Case of Mrs. Maybrick..... 72
Memorial of the Committee of the Medico-Legal Society, submitted throgh the American Government, on the Case of Mrs. Maybrick..... 73
Progress of Medical Jurisprudence in the 19th Century (Concluded)..... 92
Railway Surgery in America..... 96
The Letter of the Chief Justice of England to Mrs. Maybrick.. 102
Penology and the Philippines..... 112
The Whipping Post and the Wife Beater..... 113
Conditional Release to First Offenders..... 115
Presidential Address to Medico-Legal Society..... 117
The Cat as a Deterrent for Crime..... 128
Christian Science and the Law..... 130
The Whipping Post and its Deterrent Effect..... 135
The Canadian Association for the Prevention of Tuberculosis. 139
Senator Depew on the Subsidy Bill..... 147
Foreign Physicians in Italy..... 149
Senator Chandler, of New Hampshire..... 151
Abraham Lincoln..... 152
Queen Victoria, of England..... 154
Lunacy Legislation in New York..... 156
Sanitation and Progress..... 158
Tuberculosis and Legislation..... 161
Medical Expert Testimony..... 180
New York Water Supply..... 182
Cremation Concealing Crime..... 182
Premature Burial..... 183
Truth vs. Error..... 186
The Prevention of Tuberculosis..... 188
The Gospel According to Elbert Hubbard..... 190
Sanitoria for Consumptives..... 193
The Indeterminate Sentence in New York..... 229
Punishment..... 232
Human and Bovine Tuberculosis..... 233
The London Congress of Tuberculosis..... 241
The Assassination of President McKinley..... 248
American Congress of Tuberculosis—Address of Welcome (1901) 251
The Case of Mrs. Maybrick..... 260
The Briton and the Boer..... 265
The Immigration of Consumptives..... 266
The Canteen in the American Army..... 268

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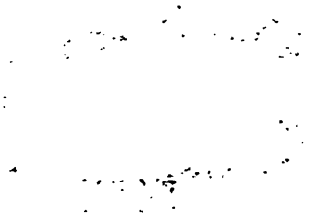

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COTTON MATHER AND THE WITCHCRAFT DELUSION.

(DISCUSSION OF MR. CHENOWETH'S PAPER.)

BY CLARK BELL, ESQ.

Cotton Mather was the grandson of Richard Mather, a non-conformist clergyman, who had emigrated to New England in 1635, where he was pastor of the church at Dorchester, Mass., until the end of his life.

Increase Mather, son of Richard and father of Cotton Mather, was born at Dorchester, January 21, 1639. He graduated at Harvard, in 1656, and studied at Dublin University four years, and was chosen pastor of North Church, Boston, which he held 64 years.

In 1684 he became President of Harvard and served until 1701, when he resigned the presidency to retain the pastorate.

He was made a D. D. by Harvard, and his was the first degree of that class granted in America. He was a statesman and diplomat. He was sent by the Colonies to England as agent for the Colonies in 1685. He died at the age of 84 years, August, 1723, and was called the Patriarch of New England.

Cotton Mather was born at Boston, July 12, 1663. He entered Harvard at 12 years of age, and at 18 was ordained to the ministry, and in February, 1680, he was made assistant minister to his father in the North Church, and in January 1682, was elected co-pastor with his father.

It was in the absence of his father in England the case

Read at the June meeting of the Medico-Legal Society, 1900.

of the girl Goodwin occurred on whom he made the alleged experiments. His book was published in 1689.

In 1692 the Parris children (a minister at Salem) were butchered. The Indian girl, who was charged with witchcraft and who as it was said confessed that she was guilty, and the Salem tragedy followed in which Cotton Mather took so conspicuous a part.

Bridget Bishop was the first victim. She was executed protesting her innocence. The lives of those who confessed their guilt and professed penitence were spared. All who denied their guilt were on conviction hanged. Old Mr. Cory, aged 80 years, refused to plead. His wife had been executed as a witch and he was by the barbarous punishment, "peine forte et dure," pressed to death—the last instance, however, of this method of punishment on the continent.

By September of that year 20 persons had been executed, 55 had confessed their guilt and so escaped hanging; and over a hundred were lying in jail awaiting trial, and more than twice that number were under suspicion.

The execution of Rev. Mr. Burroughs, formerly a minister at Wells, who had some times preached at Salem, seemed to stay the hand and turn the tide. His speech at the gallows showed the falsity of the evidence against him, and the personal hatred of Parris and the shocking speech in reply by Cotton Mather roused a general cry of horror.

The Anodver grand jury refused to find an indictment though the evidence was direct. The public re-action was complete.

Cotton Mather's book "The Wonders of the Invisible World; Observations on the Nature, the numbers and the operations of the Devils," (8 vo. Boston, 1693,) followed with the approval of the Governor, Deputy Governor and the President of Harvard University. It made no im-

pression. The grand juries refused to find bills. Of the twenty-six trials that followed all the accused were acquitted.

Robert Calef replied to Mather's book under the title "More Wonders of the Invisible World," showing that it was all a delusion, but Mather had his book publicly burned. The trials ceased. The convicted were pardoned. Some of the judges who had condemned stood up in the assembly and had their prayers read for pardon "if they had shed innocent blood."

Mather, however, did not change or relent, nor show evidence even of regret. He published Magnolia Chute nine years later, made a slight concession to public opinion, but no apology or concession of wrong doing.

Cotton Mather's influence declined with this. He was denied an election to the Presidency of Harvard although best qualified by education and position for the place twice, to his great mortification. In 1713 Mather was elected a fellow of the Royal Society of London on account of his book "Curiosa Americana." He was the first American to receive that distinction.

In 1721 Mather endeavored to bring the Medical faculty in Boston to aid the movement then recently inaugurated by Lady May Worthy Montague in favor of inoculation in cases of small pox then raging in Boston. Only one medical man, Dr. Boylston, supported him. They were universally denounced. They, however, induced 247 persons out of 5589, who suffered from the epidemic, to submit to the operation. Some of Cotton Mather's children being among these. Of these inoculated persons only one in forty-two died, while of those not inoculated one in seven died, and the result helped to introduce vaccination in Boston.

Mr. Bancroft seems to decide against Mr. Mather's good

faith in the Salem tragedy, but he failed to correctly understand the man and his environment. He was by his education and training the most austere of the Puritan school of thought.

It is known that at 14 years of age, when in college, he was greatly exercised with religious thoughts. He laid down then a rigid system of fasts, which he practiced monthly, weekly and sometimes oftener throughout his life, and he had strict habits of regular self examination and of prolonged periods of prayer, to which he added nightly vigils. It must not be doubted that he thoroughly believed in witches and in witchcraft, and in forming an opinion of him and his character his whole life and work should be embraced in the field of observation on which his career should be considered.

He was a prodigious writer, and is said to have been the author of over 300 published works by himself, and their actual number is 382. His greatest work "Scripture Illustration," occupied him from his thirty-first year to his death. The original manuscript of this work is in the library of the Massachusetts Historical Society.

He was on most intimate and friendly terms, and was in many ways the admirer of Benjamin Franklin, who in his autobiography says of Cotton Mather's "Essays to do Good," that "they gave him a tone of thinking that had an influence on some of the principal future events of his life."

It is difficult to imagine a wider difference of thought than governed these two minds.

It must also be remembered that in Cotton Mather's day very few people in the world doubted of the existence of witches and witchcraft.

The laws of England and of New England treated it as a conceded and established fact. The statutes provided for

its punishment. Sir William Blackstone believed in witchcraft, and Sir Matthew Hale's views on the subject were quite in accord with Cotton Mather's, and were as radical as all know. Sir Thomas Browne and Sir Matthew Hale were instrumental in securing convictions for witchcraft.

The statute of 1 James, c. 12, so minute in its details and in its enactments against witches, was not repealed till 9 George II, chap. 5. In Scotland as late as 1722 a witch was condemned to death by the Sheriff of Sutherlandshire.

As late as 1730 William Forbes in his "Institutes of Law," says "Nothing seems plainer to me than that there might have been witches, and that perhaps such are actually existing; which I intend, God willing, to clear in a larger work concerning the criminal law," which work he never completed.

MEDICAL JURISPRUDENCE IN AMERICA IN THE NINETEENTH CENTURY.

BY CLARK BELL, ESQ., LL. D.,

President of the International Medico-Legal Congress of New York, June, 1889; President of the International Congress of Medical Jurisprudence, at Chicago, 1893; President of the Congress of Medical Jurisprudence of September, 1895, at New York; President Medico-Legal Society of New York; Delegate from the Government of the United States to the Thirteenth International Medical Congress of 1900, at Paris; Honorary Member of the Medico-Legal Society of France, etc., etc.

Medical jurisprudence is more greatly indebted to the Italian scholars of the 16th century, and the preceding centuries, than to those of any other land.

That splendid diplomat, scholar, statesman, musician and physician, Paul Zacchias, was the physician to the Pope in 1620. His treatise, now in the library of the Medico-Legal Society in New York, could be read with profound interest, to see how far advanced was this learned and gifted man, in the elementary and fundamental truths of the science, as recognized to-day.

From the 12th to the 16th centuries, Italy stood pre-eminent in every field of scientific study, and especially in medicine.

Prior to 1500 there were sixteen universities in Italy; while in France there were but six; in Germany, eight; in Great Britain, only two; so that Italy had then as many as England, France and Germany combined, and the supremacy of the Italian universities was above all comparison with the others.

Contributed to the Thirteenth International Medical Congress of Paris, 1900.

This Italian superiority continued until after the 16th century, and it existed when Zacchias wrote and flourished.

It has been well said that "medical jurisprudence owes its power to knowledge derived from every branch of medicine; but the law determines how far this power shall be utilized in the administration of justice."

The superiority attained by Italy, that made her the home of science and arts, in the 14th, 15th, 16 and 17th centuries, was due to the more favorable laws, and the liberal and fostering influence of the Popes of Rome in these eras.

Germany felt this influence, and when, in 1533; the "Constitutio Criminalis," of Charles V, of 1532, was first published. To the present day, the German Fatherland owes its pre-eminence in medical jurisprudence to favoring legislation, and the friendly fostering care of the governments. The "Constitutio Criminalis" of Charles V made it obligatory on the courts to take the evidence of medical men in medico-legal cases.

For more than two centuries Germany has had an organization of medico-legal officials, who are required by law to be qualified by an especial education, not only to procure the medical facts needed by the courts, but to estimate their weight for the benefit of the courts.

In 1650 Machiavelli delivered the first course of lectures on legal medicine at the University of Leipzic, and he was succeeded by Bohn; and as early as 1720 professorships of forensic medicine were erected by the government of Germany.

The literature of the science was enriched, in the 18th century, (1725), by the celebrated authors of Valentini, Teichmeyer and Albertus, one hundred years later than the writings of Zacchias. These writers laid the foundation of that literature of forensic medicine for the German

scholars, exceeding that of nearly every country, and which, in later years, in the 19th century, has been quickened by the clinical schools, the first of which was established at Vienna, at about 1830; at Berlin in 1833; at Munich in 1865. Germany owes her great advancement to the fostering hand of the government, and to favoring legislation.

France, from 1570 to 1692, also enacted laws which favored the study, culture and advancement of legal medicine, and the science progressed; but at the close of the 17th century, the medico-legal officials became hereditary, and the science languished until after the French Revolution.

Since 1790, however, no nation on the globe has surpassed or even equalled France, in the culture and advancement of medical science and the arts; and from the era of the French Revolution, and under the reign of the great Napoleon, and those who have succedeed him, France advanced, until she became the seat and centre of the highest civilization in the nineteenth century, which proud position she has continued to occupy.

The Exposition of 1889, and the splendid one which marks the close of the nineteenth century, well illustrate her place in the world of science and arts, and the advancing civilization of the world, as the 20th century opens its portal to the brotherhood of man in all countries upon the globe.

During all these years of advancing supremacy in France, all was due to the splendid support given by the government, and by the generous laws of France, and forensic medicine has kept pace with the sister sciences there.

Chasseur, in 1790, was the first lecturer in legal medicine, and Mahon, in 1795, was the first professor of medical jurisprudence.

In Great Britain very little attention was paid to medi-

cal jurisprudence, in the 18th century, and she transmitted to her American colonies laws, that have been well stated by Prof. Stanford E. Chaille, in his centennial address before the International Medical Congress of September, 1876, intended as a review of the preceding one hundred years of forensic medicine, as: "barbarously conspicuous for the absence of provisions to apply medical knowledge to the administration of justice, and Anglo-American law continues to be, in large measure, hostile to medical jurisprudence."

These words were spoken in 1876—twenty-five years ago. They properly describe the state of the law of Great Britain at that date, and show why, in the American states the 19th century opened in America with the standard of forensic Medicine trailing in the dust. When contrasted with France, Germany and Italy, but America, with this sad inheritance from the mother country, has not remained where she was placed in the first fifty years of the American national life.

Scotland should be exempt from these criticisms. In 1803 a chair of forensic medicine was founded in the University of Edinburgh. Dr. Duncan, the elder, was the first lecturer on medical jurisprudence, in 1801; and his son the first professor, in 1802.

While this University was chartered in 1682, it was not until 1726 that an English medical faculty was established, with lawful authority to confer degrees. Before 1726, and after 1705, a few honorary degrees had been conferred, but not by legal authority.

In each of the twenty-three medical colleges existing in England, Ireland and Scotland, in 1875, there was a regular teacher devoted to forensic medicine, on whom legal authority to confer a degree in state medicine was conferred, upon those at Cambridge; Oxford, Edinburgh and

Dublin; but it cannot be said that medical jurisprudence, as a science, was practically taught outside of the University of Edinburgh, if there, except as to toxicology.

Scotland has kept alive, on her altar at Edinburgh, the science, and Prof. Ogston, and the Scotch scientists, have been among the foremost of medico-legal jurists of Great Britain in the earlier years of the century.

The Registration Act was not passed in England until in 1858, and "Glenn's Manual of the Laws Affecting Medical Men," London, 1721, cited by Professor Chaille, in his admirable address, from which I quote, freely states and details thirty-six laws, from 1850 to 1870, of which twenty-five were passed in the twenty years between 1850 to 1870. The medical profession never had legal recognition under English laws until 1858. No laws existed for the preparation of official medical experts.

The British bench never held medical men or medical expert evidence with the respect with which it was received in France, Germany and Italy, under the provisions of law; and there has been no legislation in England tending to utilize the aid of competent medical knowledge, in aid of the administration of justice, in the British Islands, save in Scotland.

At the opening of the 19th century. the science of medical jurisprudence, upon the American Continent, did not command that recognition in either profession of law or medicine that its importance demanded.

At this era, the science may well be said to be at its decadence in all the English speaking peoples of the world. In England, the works of Farr, Dease, Male and Haslem may well be said to reflect the progress and state of the science and the American states cannot be said to have made any substantial advances in forensic medicine, having but recently emerged from that revolutionary struggle

which established the American nation upon the principles of human rights enunciated in the Declaration of American Independence.

Dr. Benjamin Rush, of Philadelphia, one of the signers of that Declaration, was one of the most conspicuous of those who gave the science attention. He was Professor of Chemistry in the Philadelphia College of Medicine and the University of Pennsylvania, and his labors extended from 1769 until his death in 1813. He held the chairs of Theory and Practice of Medicine, and of the Practice of Physics. He left sixteen lectures, the last of which was delivered in 1810 at the University of Medicine, and was devoted to the science of medical jurisprudence. Its chief features relate to mental states, testamentary capacity and legal responsibility in cases of crimes committed.

Dr. Thomas Cooper, who had been a judge in the courts of Pennsylvania, was a Professor of Chemistry and Mineralogy in the University of Pennsylvania, and published "Tracts on Medical Jurisprudence."

In 1829 Dr. J. Bell, also of Philadelphia, published an address upon the same topic, and he delivered a course of lectures on medical jurisprudence in the Philadelphia Medical Institute, of which he published a syllabus.

Professor Robert Eglesfield Griffith, M. D., of the University of Maryland, and Lecturer in the University of Virginia in 1832, edited with notes and additions the first American edition of the work of Michael Ryan on Medical Jurisprudence, which was published by Carey & Lea, at Philadelphia, where Professor Griffith then resided, and where he died in 1850, at the close of the first half of the century.

But there is no American name to whom the science of medical jurisprudence is more indebted than that of Prof. Theodore Romeyn Beck, M. D., LL. D. He was born at

Schenectady, N. Y., August 11, 1791, and he died November 19, 1855. He graduated at Union College at the age of sixteen years and took his degree in medicine at the New York College of Physicians and Surgeons in 1811. Mercersburg College, Pennsylvania, and Rutgers College of New Jersey, conferred the degree of LL. D. upon him.

In 1815 he was made lecturer on medical jurisprudence in the College of Physicians and Surgeons of New York, and in 1826 he was made Professor of Medical Jurisprudence in that college, and held that chair until 1840.

In 1823 he published "Beck's Medical Jurisprudence," which passed through many American, English and German editions, and which was universally acknowledged, in its day, to be the leading work on the science, and was found as often upon the shelves of the lawyer's library as those of the medical man.

For forty years of his life this illustrious man devoted himself to the advancement of the science, and most of it in the latter part of the first half of the century.

In 1853, at Albany, the capital of New York, in addressing the legislature of his native state upon the proposed establishment of a university, he demanded "the appointment, under public authority, of a Professorship of Medical Jurisprudence or Forensic Medicine." and in support of it said: "There is a person now living (Orfila), the subject of whose knowledge on the power of poisons is such that he is not only called to examine cases in any part of France, but not long since was summoned to Belgium in one, which at the time attracted the attention of all Europe. I hold that there should be two or three persons of this character appointed and paid by the government, to perform this important duty."

In considering the century we can best understand the progress of the science by dividing it into three eras, con-

sidering the first third, as we have done, and in the labors of Professor Beck, and advancing it into the second third and a few years beyond the first half of the century.

The most illustrious name in forensic medicine, after that of Beck, in the department of the medical jurisprudence of insanity, was that of Isaac Ray, M. D. He stands at the very head of American alienists. His treatise on "The Medical Jurisprudence of Insanity" has never been surpassed, in the century in which he lived and acted, in any country, and no work of the century produced a more profound or lasting impression upon the mind of men.

He lectured on insanity at the Jefferson Medical College, Philadelphia, and his contributions to Mental Pathology, published in 1873, enriched the literature of this branch of forensic medicine.

In considering medical jurisprudence from this standpoint, we should classify it into general divisions, and as one of these: "The Medical Jurisprudence of Insanity," Dr, Ray stands pre-eminent.

With his name should be mentioned some of the earlier alienists: Pliny Earle; Allan McLane Hamilton; Henry P. Stearns; Dr. John P. Gray, of Utica, N. Y.; Prof Chas. H. Hughes; William A. Hammond; Prof. Charles K. Mills, of Philadelphia, Pa.; Dr. W. W. Godding; Dr. Geo. M. Beard; Dr. Nichols, of Bloomingdale Asylum, New York City; and a great body of earnest students and workers among the superintendents of American asylums and hospitals for the insane, with many names of merit among the students of neurology and psychiatry that have adorned the brilliant galaxy of American students of mental medicine.

Perhaps no work of recent date exercised a greater influence in the nineteenth century in America than did the work of Dr. Alfred Swayne Taylor, on medical jurisprud-

ence. The work had a greater influence than the volumes put out by John C. Bucknill and Dr. Hack Tuke, which was a work of great value and entitled to high praise. The splendid work of Chaude and Briant, which was also a contemporary, being in the French tongue, could not rival these publications.

"Taylor's Medical Jurisprudence" was universally recognized as the model standard, and superseded Beck, who had so long stood at the very front. It passed through a large number of American editions, and its 12th American edition was completed in 1897.

Among medico-legal jurists, who have been prominent, I should name in the last third of the century: Chief Justice Charles Doe, of the Supreme Court of New Hampshire, to whom (more than all other American jurists combined) we are indebted for the overthrow, in many of the American states, of the innovation made in the law of England after the McNaughten case, making the knowledge of right and wrong the test of criminal responsibility of the insane.

His associate, Judge Ladd, of the Supreme Bench of New Hampshire, and Judge H. M. Somerville, of the Supreme Bench of Alabama, who wrote the prevailing opinion of the court of that state, asserting what has come to be known as the New Hampshire doctrine, is entitled to our tribute of praise and commendation. Among the eminent men of the bar, who have taken part in the labors of the Society and in advancing its work, may be named: Hon. David Dudley Field; Hon. E. A. Stoughton; Judge A. L. Palmer, of the Supreme Court of New Brunswick; Sir John C. Allan, Chief Justice of that bench; Judge W. D. Hardin, of Savannah, Ga.; Judge Charles P. Daly, and Mr. Austin Abbott. Of those whose labors have ceased, not to mention the lustrous and brilliant names of those

still living, and among medical men: Dr. James C. Wood; Dr. Frank H. Hamilton; Dr. Carnochan; Dr. S. W. B. McLeod, and Dr. Fordyce Barker.

Consider the views of Chief Justice Charles Doe, of the Supreme Court of New Hampshire; Associate Justice Ladd, of the Supreme Bench of that State; Judge H. M. Somerville, of the Supreme Court of Alabama; Judge Montgomery, of the Supreme Court of the District of Columbia, and Judge Dillon, of Iowa, all members of the Medico-Legal Society; Shaw of Massachusetts, Edmonds of New York, Bell and Perley of New Hampshire, in contrast with the language of the Lord Chancellor of England as late as 1862, who, in referring to insanity in the English House of Lords, declared that "The introduction of medical opinions and medical theories into this subject has proceeded upon the vicious principle of considering insanity as a disease," and he condemned the "evil habit that has grown up of assuming that it was a physical disease."

And it was less than 100 years prior to this utterance (1769) Lord Chancellor Blackstone said: "To deny the possibility, nay actual existence, of witch-craft and sorcery is to at once flatly contradict the revealed word of God," and also added, "And the thing itself is a truth to which every nation in the world hath in its turn borne testimony."

The following are among the eminent French collaborators in the work of the Medico-Legal Society: Dr. T. Gallard, Ex-Secretary of the Medico-Legal Society of France; Dr. Louis Penard, Ex-President of the Medico-Legal Society of France; Dr. Devergie, Ex-President of the Medico-Legal Society of France; Mr. Ernest Chaude, Ex-President of the Medico-Legal Society of France: Dr.

Devilliers, Ex-President of the Medico-Legal Society of France; Prof. Dr. Benj. Ball, author; Dr. Emile Hourteloup; Dr. Lunier; Dr. Briere du Boismont; Dr. Chevalier; Dr. Legrard du Saille; M. Hemar, Ex-President of the Medico-Legal Society of France; Dr. August Voisin; Dr. Carpentier; Prof. Dr. Luys; Marcel Briand, and Dr. Foville.

Living members of eminence identified with the progress of medical jurisprudence in America: Prof. Brouardel; Dr. Motet; Dr. Lutaud; Dr. A. Leblond; Dr. Magnan; Dr. Ritti; Dr. Christian; Dr. Bertillon, and Dr. Forel.

The following are deceased honorary members of the Medico-Legal Society: Prof. Francis Wharton, writer on international law; Dr. Devergie, President of the Medico-Legal Society of France; M. Barnier, President High Court of Cassation of France; Dr. Louis Penard, Ex-President of the Medico-Legal Society of France; Prof. Charcot, Paris; Sir James Fitz James Stephen, of London, England; Dr. Frank H. Hamilton, of New York; Hon. Charles P. Daly, of New York; Dr. John C. Bucknill, Chancellor's Visitor in Lunacy, London; Dr. D. Hack Tuke, of London, and Dr. Fordyce Barker, of New York.

Toxicology.

The most lustrous names among the great chemists of the American people are those of Prof. Wormley, of Philadelphia; Prof. John J. Reese, of Philadelphia; Prof. R. Ogden Doremus, Ex-President of the Medico-Legal Society of New York; Prof. Victor C. Vaughan, of the University of Ann Arbor, Mich., and Dr. Henry Leffman, of Philadelphia.

Professor Theodore G. Wormley succeeded Prof R. R. Rogers in the Chair of Toxicology in the Medical Department in the University of Pennsylvania in 1877, and he filled it with distinction until his death in 1897. His work

upon "Micro-Chemistry of Poisons" is a monument of learning, and is universally regarded as a standard authority by the professions and the courts. His contribution to the International Medical Congress, in 1876, in Philadelphia, was "Medical Chemistry and Toxicology."

Professor John J. Reese was born June 16, 1818, and he died September 4, 1892. He was the foremost medical jurist and toxicologist of his day in Philadelphia, and the author of a text-book on Medical Jurisprudence and Toxicology. He was President of the Medical Jurisprudence Society, of Philadelphia; an active and honorary member of the Medico-Legal Society of New York; and he edited the 7th and 8th American editions of "Taylor's Medical Jurisprudence," and was a prolific writer on subjects connected with medical jurisprudence. He held the Chair of Medical Jurisprudence and Toxicology in the Auxiliary Department of Medicine in the University of Pennsylvania from 1865 to October, 1891.

Professor Vaughan, of the University of Ann Arbor, is one of the most brilliant of the chemists of our era. He is a member of the Medico-Legal Society of New York,

Dr. Henry Leffman, of Philadelphia, was Lecturer on Toxicology at the Jefferson Medical College from 1875 to 1883, and Chemist to the Coroner of Philadelphia from 1885 to 1897. He edited the fourth edition of Professor Reese's text-book on "Medical Jurisprudence and Toxicology."

Professor R. Ogden Doremus is the Nestor of American chemists and toxicologists. He has held the Chair of Medical Jurisprudence and Toxicology in the College of the City of New York, and at Bellevue Medical College for a great many years. He was Chemist of the Medico-Legal Society for many years, and held the office of President of that body.

[*To be continued.*]

THE INTERNATIONAL MEDICAL CONGRESS OF 1900 AT PARIS.

BY CLARK BELL, ESQ., LL. D., OF NEW YORK.

The Paris Exposition will be the most notable of the events of the summer vacation of 1900. France has realized that it was due to her past and her present, that she should make every effort to make this occasion one never to be forgotten —that was to mark the close of the 19th and the opening of the 20th centuries.

The government of France, to whom is due, by its generous and lavish support, the meed of praise for the proud position that nation holds, in the present state of civilization, among all the peoples of the globe, has, true to its traditions given every aid in its power to make this event memorable.

Conscious that she must exert herself to maintain that supremacy in the arts, the sciences, and in every branch and field of human industry and effort, in what is to be a Congress of all the nations; the rulers of France have been behind the preliminary work that will come into full fruition when the world of science, from all quarters of the earth, will assemble in the month of August at about the very middle of the Exposition.

Many congresses are then to meet, but that of most interest to our readers is the 13th International Medical Congress of 1900, from August 2nd to 9th.

The government of France has asked the government of the United States to send delegates to that congress.

Our government has responded, and the following delegates have been named to represent the Government of the United States in response to that invitation:

Brigadier General George M. Sternberg, Surgeon General,

U. S. A.; Rear Admiral W. K. Van Reypen, Surgeon General U. S. Navy; Major Louis A. La Garde, Medical Department U. S. Army; W. W. Keen, M. D., LLD., of Pennsylvania; Henry T. Bowditch, M. D., LLD., of Massachusetts; E. G. Janeway, M. D., of New York; Robert F. Weir, M. D., of New York; Walter Wyman, Supervising Surgeon General U. S. Marine Hospital Service; M. J. Rosenau, Passed Assistant Surgeon, U. S. Marine Hospital Service; Doctor E. A. de Schweinitz, Department of Agriculture; Clark Bell, LL. D., Chairman of the Auxiliary Committee of the Medico-Legal Society, President Medico-Legal Society of New York.

Prof. Brouardel, President, and Dr. Motet, Secretary of the Section of Medical Jurisprudence, called upon Mr. Clark Bell to organize an auxiliary committee in aid of the work of that section.

In response to that request an auxiliary committee was organized, composed as follows:

Clark Bell, Esq., LL. D., President American International Medico-Legal Congress; Editor Medico-Legal Journal and President Medico-Legal Society of New York, Chairman.

Toxicology. Prof. R. Ogden Doremus, M. D., Ex-President Medico-Legal Society of New York; Prof. W. B. McVey, of Boston, Mass., toxicologist. Medico-Legal Society of New York.

Mental Medicine. P. M. Wise, M. D., President State Lunacy Commission, N. Y.; Daniel Clark, M. D., Superintendent Provincial Asylum for Insane, Toronto, Ontario.

Military Surgery. Surgeon General Nicholas Senn, M. D., of Chicago; Surgeon-General R. Harvey Reid, of Wyoming; Major Geo. Goodfellow, M. D., of San Francisco, Cal.

Railway Surgery. Chief Surgeon W. B. Outten, M. D., of St. Louis, Mo., of the Missouri Pacific System; Chief-Surgeon F. H. Caldwell, of the Plant Railway system; Hon. Joseph W. Fellows, of Manchester, N. H.; Geo. Chaffee, M. D., of the Long Island Railway system, Ex-President N. Y. State Association Railway Surgeons; Prof. W. Xavier Sudduth, of Chicago, Ill.

Psychological. Prof. J. T. Eskridge, of Denver, Col.; D. R. Wallace, M. D., Ex-Supt. State Hospital for Insane, Waco, Texas; T. D. Crothers, M. D., Superintendent Walnut Hill Home for Inebriates, Hartford, Conn.; James T. Searcy, M. D., Superintendent Alabama State Hospital for Insane, Tuscaloosa, Ala.; A. E. Osborne, M. D., Superintendent of Glen Ellen, Cal.; Geo. W. Grover, M. D., Sheffield, Mass., Daniel R. Brower, M. D., Chicago, Ill.; J. M. Henderson, M. D., Central State Hospital, Petersburg, Va.; F. T. Lebadie,

M. D., Assistant Secretary, 147 East 56th Street, New York City; Wyatt Johnson, M. D., Montreal, Q., Canada.

Chemistry. Prof. Victor C. Vaughan, University Ann Arbor, Mich.; Geo. B. Miller, M. D., Ex-Chemist Medico-Legal Society of New York, Philadelphia, P.

Sociology and Criminology.—Moritz Ellinger, Esq., of New York City, Corresponding-Secretary Medico-Legal Society, Secretary American International Medico-Legal Congress and Secretary of this Committee; Judge Abram H. Dailey, of Brooklyn, Ex-President Medico-Legal Society of New York; Geo. T. Moore, Esq., Ex-U. S. Attorney for Alabama, of Montgomery, Ala.; Rev. Phebe A. Hanaford, of New York City.

This committee has secured contributions to this congress from a considerable number of its members, and others. Two causes have combined to limit the American attendance of scientific men at the Exposition.

It has been asserted that the price of hotel accommodations and of all articles in Paris will be doubled, and that the shopkeepers and hotel proprietors intend to charge exorbitant prices. We hope this is not true, but such an impression universally obtains, and this consideration will keep many away who contemplated going.

The steamship companies commenced by advancing their rates, but we are glad to learn that this policy has been found to be an unwise one.

One would suppose that such an occasion should furnish reasons for a reduction in rates of travel.

The French authorities have taken a step in the right direction. They announce that delegates to the congresses will be admitted free to the Exposition, and also that arrangements have been concluded with the leading railways of France by which delegates can secure railway transportation at one-half the usual and regular rates.

The action of the French government is worthy of high praise, and is in strong contrast with that of the people of Paris and the managers of the steamship lines.

It would have been a wise arrangement for the French government to have concluded a similar treaty with ocean steamship lines, and would doubtless have largely increased the

number of delegates to the Paris congresses of a class whose attendance is most desirable to the French authorities.

Another cause has operated adversely and that has been by fomenting the feeling aroused by the case of Dreyfus. In our minds the government of France is entitled to praise rather than censure for the fortunate termination of that distressing affair.

It was entirely due to the French government that a new trial by court martial was finally secured for Dreyfus.

The Court de Cassation had no relation to or connection with the case of Dreyfus except a most honorable one.

The error into which we fall in America is in failing to discriminate between the proceedings of an inferior military court martial held by officers of quite inferior rank, entirely disconnected from the judiciary of France, and the action of her civil or criminal courts.

In our own country such a court martial is quite outside the jurisdiction of our federal or state courts. The forms of law, the principles of law and the rules of evidence in vogue in court's martial are in the American States not unlike the court martial of other enlightened countries, France not excepted.

In France an appeal lay from the decision of the court martial to the highest judicial tribunal in France. This would have been impossible in the United States and certainly furnishes no reason of criticism on the justice in France.

No one can doubt that had Dreyfus not withdrawn his appeal, the decision of that court martial would have been set aside for many reasons, by the courts of Review of France.

It is a source of regret that many good people, of fair minds, hold the government and judicial system of France responsible for the extraordinary proceedings and rulings on this trial, and that their prejudice, which is without the slightest basis to rest upon, has deterred many from visiting the Paris Exposition, who otherwise would have gone.

There is and always has existed a warm feeling of amity between the French and the American people.

This Exposition will tend to cement and increase that feeling.

The services of the gallant Frenchmen who served in our armies in the Revolutionary struggle will never be forgotten.

The names of Lafayette and Rochambeau will be honored for all time in American history, and will outweigh and outlast the excitement created here, when the case of Dreyfus is forgotten.

The preparations for the congress have been completed on a scale and magnitude worthy of France, and the occasion and the prospects of a successful Exposition with a full representation from our country are indicated on all hands.

EX-CHIEF JUSTICES SUPREME COURT OF TEXAS.

HON. JOHN HEMPHILL.
1846–1858.

HON. ROYAL T. WHEELER.
1858–1864.

HON. GEORGE F. MOORE.
1866–1867, 1878–1881.

HON. ASA H. WILLIE.
1882–1885.

From advance sheets Supreme Court of the States and Provinces of North America

TEXAS.

EARLY JUDICIAL HISTORY.

BY CLARK BELL, ESQ., LL. D., OF NEW YORK CITY.

Spain laid, claimed, and exercised the right of ultimate dominion over her possessions in America, on and under rights given by the discovery of America, under the perogatives and commissions granted by the King and Queen of Spain, to Christopher Columbus, at Granada, April 30, 1492.

These claims embraced, as claimed by Spain, Florida, the whole territory of Louisiana, Mexico, Texas, and the whole of Central America.

This claim of Spain was based also upon the bull of Pope Alexander of May 4, 1493, by which his holiness ceded all America to Spain.

The first colony of Europeans within the present limits of the state of Texas, was founded by Robert Cavalier le Sieur de la Salle, near the entrance of Matagorda Bay, on the eighteenth of February, 1685.

La Salle came from Canada to the Mississippi River and descended that river to the Gulf of Mexico, in 1682. He returned to France and there organized a naval expedition of colonization and discovery and sailed July 24, 1684, to find the month of the Mississippi. For some cause he missed the delta, and, unable to locate it, he established there or he attempted to form a colony at Matagorda Bay, but his attempt was unsuccessful and the colony did not secure a firm footing.

In 1686, the Marquis of Laguna, then viceroy of

Mexico, sent an armed force to take possession of that district, and, in 1691, Don Domingo Terau was appointed governor of Coahuila and Texas, with orders to found colonies and hold them under military rule.

France, however, did not recognize Spain's authority in Texas and never ceded it or relinquished her claim to it to Spain.

By the treaty of 1803, between France and the United States, ratified October 21, 1803, known as the "Louisiana purchase," France ceded the country now known and embraced in the state of Texas to the United States, as a part of the French dependencies in America.

The controversy between France and Spain as to Texas, about the Louisiana purchase, and between Spain and the United States, may be said not to have been finally terminated until it was closed and effectually settled by the treaty of Guadalupe Hidalgo, which was concluded February 2, 1848, and proclaimed July 4, 1848, when Texas was admitted into the American Union.

The constitution of the Republic of Mexico, adopted in 1824, asserted that "The Mexican nation is forever free and independent of the Spanish government and every other power." (Art. 1, Constitution of the United Mexican States.)

At that time the two northeastern provinces of Mexico, not having sufficient population to entitle them to enter the Mexican Union as separate states, were united as the "State of Coahuila and Texas."

A state congress, for the two thus united, was held at Sattillo, and adopted a constitution, which was proclaimed March 11, 1827. This constitution declared itself "free and independent of the other United Mexican States, and of every other foreign power or dominion," and its second article asserted: "The sovereignty of the state resides

originally and essentially in the general mass of the individuals who compose it; but these do not of themselves exercise any other acts of sovereignty than those designated in this constitution, and in the form which it prescribes."

This constitution is a most remarkable document and, although it is not signed by any name not of Mexican birth and by no Texans or American names, breathes the highest spirit of human rights and liberties and is worthy of reproduction and study.

(See Poor's Constitutions, p. 1727, vol. 2.)

On April 1, 1833, a convention was held at San Felipe and sat until April 13, 1833, and framed a state constitution, subordinate to the supreme central government of Mexico. It is contained in Edwards' History of Mexico, pp. 196–205. It was never recognized by the Mexican government nor put in force, but it may be called one of the first steps towards the future independence of Texas.

TEXAS AS A STATE.

On October 17, 1835, a Constitutional Convention was held at San Felipe de Austin, and adjourned to November 13, 1835, when it promulgated a provisional constitution for Texas.

On March 1, 1836, when General Santa Anna had overthrown the Mexican Republic, a convention of the people of Texas was held at Washington, on the Brazos River, and adopted and issued a Declaration of Independence from the Mexican Union, from which they withdrew, and established a free and independent state, and issued an executive ordinance and declaration of rights, which they maintained and established.

The judicial power was vested in a chief justice and associate justices, with terms of four years, acting under the authority of the congress.

A treaty was ratified between the United States and Texas, as an independent state, April 25, 1838, to settle boundary lines of Texas, and the American Congress passed an act providing for carrying out this treaty, January 11, 1839.

THE ANNEXATION OF TEXAS WITH THE UNITED STATES OF AMERICA.

A joint resolution passed both Houses of Congress for the annexation of Texas on certain conditions, which was approved by the President, March 1, 1845.

The consent of the Texan government to annexation was obtained by joint resolutions of the Senate and House of Representatives and certified to by a convention of the people of the state, held at the City of Austin, July 4, 1845, at which it was duly ratified as an ordinance of the convention, and Texas was admitted into the American Union on that day.

Scarcely another state in the American Union has as remarkable and interesting a history as Texas. In one respect at least it occupies a unique position in the history of American states. The St. Louis *Globe Democrat* says that "Since its discovery six different governments have, at different times, claimed its allegiance, and as many different flags have waved over it, those of France, Spain, Mexico, Independent Texas, the United States, and the Confederate States. The foundation of Texas statehood was not laid as a British colony, nor under the grant or control of the British crown, as were those of the original thirteen states. Its first settlement dates back more than two hundred years ago, and its first American colonists went there under terms and conditions imposed by a foreign state, to whose language, laws, and institutions they were total strangers."

It is doubtless true that the state of Coahuila and Texas,

in 1824, must have had a separate state flag under the spirit breathed in its constitution, aside from the flag of the American Union, and the present state flag of Texas seems to have been overlooked by the writer in the St. Louis *Globe Democrat.*

[NOTE.—This historical sketch is an addition to that which appeared in series 1 of this volume, and as an addition to it.]

THE PARIS EXPOSITION AND CONGRESSES.

BY CLARK BELL, ESQ., LL. D., OF NEW YORK.

On the Whole, the Paris Exposition must be classed as a success.

If contrasted with that of the one at Paris of 1889, it was in nearly every respect far superior.

It is not in good taste to contrast or compare it with the Chicago Exposition. They were not at all alike, either in plan, design or execution. They are not comparable. The Chicago Exposition was *sui generis*. Its equal will not be seen again for half a century. It was on such a scale of magnitude that there was no limit placed on the boldest and broadest conception of its designers.

The problems surmounted by the designers of the Paris Exposition of 1900 bristled with dificulties. Its limitation of space, location, and breadth of design, were well nigh insurmountable. Its artistic treatment was superb, and worthy of of all praise. France has every reason to be proud of the work of her architects and artists. They have deserved well the congratulations not alone of France, but of the world.

The detractors of the effort say that it will not prove a financial success to its promoters. Should this prediction prove true, it cannot reverse the verdict of the world, that France still retains her place as the foremost nation in science, art and in all the qualities that are in the forefront of the advancing civilization of the Twentieth Century.

MEDICAL JURISPRUDENCE AT THE PARIS CONGRESS.

Prof. Brouardel, as Chairman, Dr. Motet, as Secretary and Dr. Thomol, as Assistant Secretary of the Section of Legal Medicine, have every reason for self congratulation at the labors of that Section at the August Congress, The labor of

this Section will form an important addition to the literature of the science. The work of the American Auxiliary Committee, while not as large as originally promised, really formed a notable part of the whole volume of contributions.

Owing to a difference in classification, all the American contributions of the Auxiliary Committee did not appear on the programme of the Section of Legal Medicine, but were divided and distributed among other Sections, which in America are usually classed as branches of forensic medicine.

The leading contributions of the Auxiliary Committee that found place in the various sections and sub-divisions were :

George Chaffee, M. D., Surgeon of Long Island Railway, Ex-President New York State Association of Railway Surgeons, "The Work of the New York State Association of Railway Surgeons."

Albert Bach, Esq., Assistant Corporation Counsel of New York City, President Medico-Legal Society of New York, "The Rehabilitation of the Expert Witness."

Capt. R. W. Shuffeldt, U. S. Army, of Washington, D. C., "Psycopathia Sexualis and Divorce."

Helen Densmore, M. D., of Brooklyn, N. Y., "The Cure of Consumption at Patient's Home, Even in its Advanced Stages."

Clark Bell, Esq., LL. D., Honorary Member Medico-Legal Society of France, President Medico-Legal Society of New York, President International Medico-Legal Congress, will contribute a paper entitled "La Medicine Legale en Amerique en 19e Siecle."

Clark Bell, Esq., LL. D., of New York, "Railway Surgery in America."

Montague R. Leverson, Esq., M. D., Fort Hamilton, N. Y., "The Right of the State to Impose Any Medical Practice or Dogma upon its Citizens."

Hart Vance, Esq., of Louisville, Ky., "Universal Induction or Vis Harmonia."

"L. Enseignement de la Medicine-Legal dans, la Province

de Quebec," par le Docteurs Wyatt Johnson, M. D., et Georges Villeneuve, M. D., Montreal, Q.

Dr. Louise G. Robinovitch, of Greater New York, "The Relation of Alcoholism in the Parent to Criminality in the Offspring."

"Le Valeur Medico-Legale de la Preuve de Gosio," par le Docteur Wyatt Johnson, M. D., de Montreal, Q.

At the International Medical Congress 34 countries were represented by 6,170 members and delegates. Of these 2,293 were French. Among foreign countries Russia heads the list with 805 members, followed by Germany with 572, the United States with 412, and Italy with 324. Great Britain is sixth with only 222 members, being closely followed by Spain with 219 members. There were also 20 members from Canada and four from Australia.

The paper, "Medical Jurisprudence in America in the 19th Century" appears in this number, in part, as does that of Dr. Helen Densmore on "The Cure of Consumption," which was read before the Congress of Hygiene and Demography," and will be added to Part II of the volume of the American Congress of Tuberculosis.

The most notable events of the Section of Legal Medicine at the Congress were:

1. The dinner given by Prof. Brouardel to the Presidents of Honor and prominent officers and members of the Section, at his residence.

2. The dinner given by Dr. Motet, Secretary of the Section, at the Cafe des Ambassadors, and

3. The reception given by Prof. and Madame Brouardel, which was the most elegant and recherche of all the receptions given during the session.

The reception given by Dr. and Madame Launelougue, as President of the Congress, was a large and most successful function, as well as were those given at the palace, by the President of the Republic, and at the Hotel de Ville and at the Minister's residence, M. and Madame Rosseau, all large, and

brilliant, and never to be forgotten, but by far, the reception of Madame Brouardel, was par excellence more elegant, select and enjoyable, with the cremè de la creme of the social side of both Paris and the Congresses present.

At the dinner given by Prof. and Madame Brouardel, attended by twenty-two guests, the place of honor was awarded to the representative of the Government of the United States, whom Madame Brouardel selected to escort her to dinner.

M. le Dr. Vleminckx, President of the Medico-Legal Society of Brussells, toasted the fair wife of President Brouardel, and Mr. Clark Bell, President of the Medico-Legal Society of the United States, toasted the Chairman of the Section, Prof. Brouardel, one of the honorary members of the American Medico-Legal Society, and paid a tribute to the labors of his life in the advancement of toxicological studies in particular and forensic medicine in general.

At the dinner given by Dr. Motet, Secretary of the section, which was largely attended, Prof. Ottolenghi, of Italy, gave a toast to Dr. Motet, as did Prof. Vleminckx, of Belgium. Mr. Bell, on being called out by the host, responded for France and America, and the progress of forensic medicine in these countries, so closely allied by the strong ties of friendship since the days of Lafayette, Rochambeau, and the early history of t e American Republic, and spoke of the deep interest that the citizens of America feel in the welfare of the great Republic of Europe.

The International Congress of Hygiene and Demography.

This Congress was largely attended, and its labors will be of great value to the science. Our space prevents any detailed notice of its labors. It opened under happy auspices. A magnificent entertainment had been prepared at the Elysee, and M. Waldeck-Rousseau presided at the opening ceremony. The great amphitheatre of the Ecole de Medicine was hardly large enough to hold all the distinguished guests, members and Government delegates. Even the British Government, which

has never before sent more than two delegates, was represented on this occasion by five official nominees. M. Waldeck-Rousseau's speech was full of promise to sanitary reformers, who, as preservers of the public health, were, he said, the most useful collaborators of governments in the execution of their mission. If governments had been slow to follow their advice, it was because a badly-understood individualism had shrunk from incurring the expense necessary in order to carry out needed reforms. Professor Brouardel, Dean of the Faculty of Medicine, and President of the Congress, paid a handsome tribute to England, which, he said, stood first among all nations because it had so reduced the prevalence of tuberculosis that there were now 50 per cent. fewer cases than formerly. When the meeting terminated the members of the Congress of Hygiene proceeded to the Elysee, where they met the members of the Medical Congress, who for the most part had not yet left Paris.

The Congress of Hypnotism.

This body had a most successful meeting and opening. Its members met at a banquet on the evening of the opening day, which was largely attended, and at which representatives from all the nations of the world nearly were present.

Speeches were made by representatives of nearly all countries. Prof. Raymond presided, and Paul Berillon was toastmaster. Prof. Tamburini spoke for Italy, Dr. de Jonge for Holland, Mr. Clark Bell for the United States, and a large number of others made brief addresses.

The second day this Congress met at Sal Petriere, and a visitation was made of the service of Dr. Jules Voisin, which was attended by a large number of the delegates.

A luncheon was served at one o'clock, at the hospital, where the nurses of the hospital were the volunteer aids of the staff in the entertainment and reception of the delegates.

The civil authorities of Paris were present.

At the close of the banquet, addresses were made by the administration of the hospital by Dr. Jules Voisin, by the of-

INTERNATIONAL CONGRESS OF HYPNOTISM 1900. (PARIS.)

PROMINENT OFFICERS OF THAT CONGRESS.

PROF. RAYMOND,
of Paris,
Honorary President.

DR. JULES VOISIN,
of Paris,
President.

DR. EDGAR BERILLON,
Secretary General,

DR. A. DE JONG,
of the Hague,
Vice President.

PROF. A. TAMBURINI,
of Italy,
Vice President.

DR. PAUL FAREZ,
of Paris,
Assistant Secretary.

ficers from the municipality of the City of Paris, and by delegates from many countries.

Mr. Clark Bell spoke for the United States Government, and toasted the Government of France, and the Municipality of Paris, under whose kind fostering and paternal care, France and Paris had sustained, promoted and advanced medical and mental science to the proud position they now occupy, in contrast with other countries, who had neglected to follow the splendid and lustrous example given by the good people of France and Paris to these branches of science.

We hope to give a more detailed statement of the work of this Section in our current number, if it can be received in time for the current issue.

The Section of Psychiatry.

Dr Magnan, Chairman of this Section made its labors a great success.

Its leading social event was the clinical session and exposition at St. Anne's Hospital, and the brillliant banquet which followed it at that hospice, under his chairmanship.

It was the largest banquet given at any of the sections. Nearly every country in the world was represented. Sir John Sibbald spoke for Scotland, the representatives of the municipality for the City of Paris and eminent men from Denmark, Russia, Germany, Italy, and other countries of Europe. Mr. Bell was introduced as a delegate from the United States, to the International Congress, and responded for the United States, toasted the Government of France and the City of Paris, and paid a tribute to the work and life of Dr. Magnan, and what his labor had wrought in the estimation of the world of science for the advancement of mental science, not only for France, but of the world. Prof. Joffroy spoke for St. Anne and its work and mission, and Dr. Bounville for the French journals identified with the studies of mental medicine.

INTERNATIONAL CONGRESS OF HYPNOTISM, PARIS, 1900.

BY CLARK BELL, ESQ., LL. D., OF NEW YORK CITY.

The Second International Congress of Hypnotism was opened with great success at the Great Hall of the Palace of the Congress, on Sunday, August 12, 1900, with a large and brilliant attendance at 3 o'clock in the afternoon.

Dr. Jules Volsin, chairman of the Committee of Organization, called the Congress to order and called Professor Raymond as President of Honor to take the chair.

The following sat upon the platform at the side of Prof. Raymond:

M. le Dr. Jules Voisin, president du Congres, M. le professeur Gariel, delegue general des Congress, M. le D'Vincent, delegue du Ministere de la Marine, M. Achille, delegue du conseil municipal de Paris, M. Melcot, avocat general a la Cour de Cassation, M. le Dr. Tokarsky, delegue de la Societe des medecins neurologistes et alienistes de Moscou, M. le Dr. Van Renterghem, delegue de la Societe des neurologistes de Hollande, M. le professor Grasset, de Montpellier, vice-president du Congres, M. le Dr. Berillon, secretaire general du Congres, M. le Dr. Paul Farez, secretaire general adjoint, M. Albert Colas, tresorier, M. le Dr. Paul Richer, membre de l'Academie de medicine, M. le Dr. Paul Magnan, vice-president de la Societie d'hypnologie, M. le Dr. Deny, medicin de la Salpetriere, M. le Dr. Clark Bell, delegue de la medico-legal Society de New York, M. le Dr. Caryophillis, delegue de la Societe de medicine d'Athenes, M. le professor Zeliqzon, delegue de l'American Institut of anthropology, Mrs. le Dr. Lucy Hall, deleguee du government des Etats-Unis, M. le Dr. Raphael Zambrano, delegue du government de l'Equateur, M.

Ferrari Perez, delegue du government du Mexique, M. le professor Aars, delegue du government de la Norvege.

The President of Honor, Prof. Raymond, called upon the body to elect its permanent officers. The following were duly elected:—

President—M. le Dr. Voisin (Jules,) medicin de la Salpetriere, president de la Societe d'hypnologie.

Vice-Presidents—MM. Dauriac (Dionell,) professeur honoraire a la Faculte des Lettres de Montpellier, professeur de philossophie au lycee Jason de Sailly; le Dr. Grasset, professeur a la Faculte de medicine de Montepellier; Liegeois, professeur a la Faculte de droit de Nancy; Melcot, avocat general a la Cour de cassation.

Secretaire general—M. le Dr. Berillon, medecin inspecteur des asiles d'alienes de la Seine, directeur de la Revue de l'Hypnotisme.

Secretaire general adjoint—M. le Dr. Farez (Paul,) licencie en philosophie.

Secretaires—MM. Julliot, docteur en droit; le Dr. Lemesle (Henry,) licencie en droit; Lepinay, medecin veterinaire; le Dr. Regnault (Felix,) ancien interne des hopitaux.

Tresorier—Colas (Albert,) president de la Societe d'etudes philosophiques et sociales.

Presidents d'honneur—MM. de Dr. Joffroy, professeur a la Faculte de medecine de Paris; le Dr. Raymond, professeur a la Faculte de medicine de Paris; M. le Dr. Charles Richet, professeur a la Faculte de Paris; le Dr. Durand de Gros; le Dr. Liebeault, de Nancy; Soury (Jules,) professeur de l'Ecole pratique des Hautes Eutdes.

The following were elected Presidents of Honor from foreign countries:

Germany—M. le Dr. Vogt, (de Berlin, M. le Dr. Von Schrenk-Notzen (de Munich.)

Belgium—M. le professeur Spehl (de Bruxelles,) M. le Dr. Crocq (de Bruxelles.)

Brazil—M. le Dr. Jaguaribe (de San Poulo.)

Egypt—M. le Dr. Eld (de Caire.)

Equador—M. le Dr. Raphael Zambrano.

United States—M. Clark Bell (de New York,) M. le professeur Zeliqzon (de Cleveland, Ohio.)

Great Britain—M. le Dr. Lloyd Tuckey (de Londres.)

Greece—M. le professeur Caroophyllis.

Holland—M, le Dr. Van Renterghem (d'Amsterdam,) M. le Dr. de Jong (de La Haye.)

Norway—M. le professeur Aars (de Christiania.)

Italy—M. le professeur Tamburini (de Reggio-Emilia,) M. le Dr. Bianchi (de Parme.)

Russia—M. le Dr. Tokarsky (de Moscou.)

Switzerland—M. le Dr. Ladame (de Geneve;) M. le Dr. Bonjour (de Lausanne.)

Turkey—M. le Dr. Zambaco-Pacha.

Dr. Jules Voisin, President of the Congress, was introduced and delivered a brief address.

The President then introduced Prof. Raymond, Honorary President of the Congress, who made an interesting address.

Dr. Edgar Berillon was then introduced and made a most interesting address upon the History of Hypnotism, which was illustrated by fine instrumental illustrations, and the Congress adjourned until the next day.

Twenty-four different nationalities were represented in this Congress. In the evening a banquet was given, which was presided over by Prof. Raymond, where speeches were made by Prof. Raymond, Dr. Jules Voisin, Prof. Tamburni of Reggio-Emellia, Italy; Dr. Oskar Vogt, of Berlin; Clark Bell, Esq., of New York City; Dr. de Jong, of des Hague, and Dr. Tokarsky, of Russia.

Dr. Edgar Berillon acted as master of ceremonies at the banquet. One interesting feature introduced by him was to call each delegate in rotation who arose and gave his name and country in turn.

The next day Dr. Jules Voisin gave a banquet at the Salpetriere, where all the delegates were invited to see the service,

and where Prof. Raymond and his assistants made a splendid demonstration of the work.

At the banquet, the Representatives of Paris were present and spoke at the post-prandial ceremonies showing the great interest taken by the city authorities in the labors of the Congress and at the service of the Salpetriere.

Mr. Clark Bell spoke, toasting France and the City of Paris, for the interest both have shown in the progress and advance ment of medical science, and especially in forensic and mental medcine in France.

Prof. Raymond made many warm friends at the Congress. Dr. Jules Voisin, was not only the right man at the right place, but was in splendid form and presided with grace and great ability.

Dr. Edgar Berillon distinguished himself throughout the congress in every way. He devoted himself to its success. He prepared for all emergencies and won enconimuns on all hands and richly deserved the Bronze Work of Art presented to him for his energy, activity and indefatigable efforts in the organization of the Congress, as well as the service he has done in the advancement of the cause of Hypnotism as a sucessful thereaputic remedy in the treatment of disease.

LORD RUSSELL OF KILLOWEN AND THE ENGLISH PRESS.

BY CLARK BELL, ESQ., LL. D., OF NEW YORK CITY.

Since our last issue, one of the most illustrious names of the British bar has gone to his long rest. His death was most sudden, wholly unexpected, and came like a blow upon England, who had come to regard Lord Russell with the greatest respect and esteem.

The tributes paid to his memory by the English press were, with scarcely an exception, such as might excite the envy of any of the contemporaries of the late Lord Chief Justice. He had made hosts of friends on this side of the Atlantic, but the splendid laurels placed upon his bier, by the journals of Great Britain, and England especially, were almost without parallel. Such a man as Lord Russell, with his brilliant career at the bar, and his rapid advancement to the highest judicial honors in England, were necessarily a cause of extreme hate among his enemies, of whom he had his full share. The scavengers of the press did not relish the general verdict of approval, nor did they recognize the force of the adage, *de mortuis nil nisi bonum.*

The most insidious, that which under the guise of admiration and praise, sought to place an ineffacable stain of professional dishonor upon his memory and professional reputation, appeared in the Liverpool Post of August 13th and 14th, 1900, which asserted that he deliberately betrayed his client, in the defence of Mrs. Maybrick on her trial, by neglecting to state to the jury his belief in her innocence, and that he, either believing his client to be guilty, or from doubts of her innocence, decided from a high sense of justice, and to prevent her acquittal, to plan for her conviction, which he accomplished because he held that justice thus secured, by the conviction of his cli-

ent, was more sacred than his professional duty to his client, notwithstanding she had retained and paid him a large fee to defend her.

The article asserted the complete mental incapacity of Sir James Fitz James Stephen, the trial judge, as a fact well known in Liverpool at the time of her trial not only, but to all the bar of England, and the writer presented, in a singularly graphic and masterly manner, the scene and tragedy of a human life depending upon the vagaries and caprices of a mad judge.

If this assault was a deliberate attempt to blacken the memory of a great advocate, it was simply an infamy, and will recoil on the head of the author. If it is possible for an honorable mind to concieve such an act as being within the conception and compass of such a mind as Lord Russell's, the author should have the benefit of the doubt. But that any human being that knew Sir Charles Russell, the great advocate, or Lord Russell of Killowen, as Lord Chief Justice of England, could believe him capable of such professional perfidy, is simply incredible. Fortunately we are not left either in doubt or in darkness as to the facts.

The writer saw the article in the Liverpool Post, on the 14th of August, in France. On the 21st of August, 1900, through the courtesy of the English Home Office, he had a private interview with Mrs. Florence Maybrick, in the Aylesbury Prison, without any official present or in attendance. He read the leading statements of the Liverpool Post to his client, who denied their truth, and asserted that the statements of that journal, thus reflecting upon him, were without foundation in fact; that Lord Russell had, as late as February, 1900, while Lord Chief Justice, holding assizes near the prison, visited her in the prison alone, which he had the right as Lord Chief Justice to do, and had then assurred her, in the most solemn manner, of his belief in her innocence, and also assured her that he believed she was illegally convicted, and that she ought to be at once released, and that he should in the future, as he

had in the past, continue to assert to the Home Minister his views until she was discharged.

Mrs. Maybrick also stated, that in June, 1895, Lord Chief Justice Russell had written her a letter, in which he had stated his opinion as to the illegallity of her conviction, and that she ought to be discharged, and assured her of his intention to renew and continue his efforts for her release. She said she had placed this letter in trusted hands for safety, which would be an instant and complete answer to the calumnies of the Liverpool Post. She told me where this letter was, and authorized me to obtain possession of it, and use it for her benefit and also in the defence of Lord Russell's memory. I took steps to secure possession of the letter, which I had photographed in London. I at once, on the 23d of August, took the letter to the Home Office, in London, in order to show it to Sir Matthew White Ridley, the Home Secretary. He was then on his vacation in Northumberland, and Dr. H. S. Donkin of the prison commission was in charge at the Home Office. I showed the original letter to Dr. Donkin, the representative of the Home Secretary, then in charge, and on the same day to Hon. Joseph H. Choate, the American Ambassador, and to his assistant, Mr. White.

On the twenty-fourth day of August, I filed with the Home Office an application for the release of Mrs. Maybrick, based on the letter, enclosing a copy of the original letter, as attorney and counsel for Mrs. Maybrick, and assured the Home Secretary that if any further inspection was desired, I would place the original letter where it could be inspected, through the kind courtesy of the American Ambassador, Mr. Choate, as I was compelled to leave London. I showed the original letter to a large number of English men and women of prominence, lawyers, judges, business men, editors and representative men of various classes, and I was assured by every one that saw it, that if the letter was shown to the Home Secretary, that it would in their opinion result in her speedy release, that public sentiment in London would not sustain a Home Secretary in refusing such a release after the written statement of the head of the

English justiciary, declaring her conviction was illegal, and declaring that she should be released, was made public in the press.

I decided to postpose my departure to enable me to permit Sir Matthew White Ridley to see the original letter, and I sent him the following letter:

THE FIRST AVENUE HOTEL, HIGH HOLBURN,
LONDON, August 28th, 1900.

THE RIGHT HONORABLE SIR MATTHEW WHITE RIDLEY, BART., H. C., M. P.,
Bladdon, Crambington, Northumberland.,

My Dear Sir:—I am the President of the Medico-Legal Society of New York, and have been in Paris as Representative of the United States Government at the Paris International Medical Congress.

I have, in common with a very large number of my countrymen, for many years taken an interest in the case of Mrs. Maybrick. By the indulgence of the Home Office, I was allowed to see her at the Aylesbury Convict Prison last Wednesday. She told me, (what I never knew before), that she had received a letter from the late Lord Chief Justice, stating that she ought never to have been convicted; and this letter was in the hands of a friend for safe-keeping.

With her permission I have obtained a copy of the letter, and now enclose a copy of it to you.

I intended leaving London to-morrow morning, on my return to America, but I feel that the letter has so important a bearing on the question, whether or not Mrs. Maybrick should be set at liberty, that I ought not, as a matter of humanity, to go away without showing you the original, and I shall be greatly obliged if you will be good enough to telegraph me on receipt of this when and where I may do so.

I trust you will allow the shortness of my time here, and the fact that the members of the government are in recess, to be my excuse for writing to you in this unofficial way.

Very faithfully yours,
(Signed) CLARK BELL.

I waited until September 1st for a reply, and as I was compelled to leave London, I furnished a copy of it to the press of England, America and the Paris Herald in a letter of which the following is a copy:

LONDON, September 1st, 1900.

TO THE EDITOR OF THE ————————

Sir:—On the 22d of last month I had an interview with Mrs. Maybrick, at the Aylesbury Convict Prison, and I there learned for the first time that she had received a letter from the late Lord Chief Justice, stating his opinion that she was unjustly convicted.

I have since been able to obtain possession of the original letter, and have sent a copy of it to the Home Office.

I now enclose a copy, which I will be obliged if you will publish.

I do not know how this letter will impress your readers, but I as an American, cannot conceive it possible, that when the contents of the letter are made known, Mrs. Maybrick should remain in prison one day longer than is required to carry out the formalities for her release.

How can England detain in prison this unfortunate lady, whom the Lord Chief Justice declares ought never to have been convicted?

Respectfully,

CLARK BELL,
Attorney and Counsel for Mrs. Maybrick,
No. 39 Broadway, N. Y. City.

Among those who saw the original letter in my hands was Hume Williams, Esq., Barrister of Law, at London, who was familiar with the handwriting of the late Lord Chief Justice, and who recognized the body and signature of the letter as in his handwriting, and Mr. Williams gave me a letter to that effect.

We publish herewith a fac-simile reproduction of the letter of Lord Russell of Killowen, Lord Chief Justice of England, sent to Mrs. Florence E. Maybrick while in prison, and which she placed in the hands of Mr. Clark Bell, as her counsel, reproduced from a photograph of the original letter, placed in London for the inspection of the Home Office officials, through the courtesy of the American Ambassador, Hon. Joseph H. Choate:

THE MENTAL CONDITION OF THE TRIAL JUDGE AT THE TIME OF THE TRIAL OF MRS. MAYBRICK.

Whatever may be thought of the point raised in Sir Edward Russell's journal, the Liverpool Post as to the abandonment of his client by Sir Charles Russell, at the trial, there cannot be two opinions that Sir James Fitz-James Stephen was, at the trial of Mrs. Maybrick, mentally unbalanced, and entirely incompetent to sit as a judge on a trial when a human life was in the balance.

We quote from the graphic language of the writer of the Liverpool Post of the 13th of August, as to the insanity of Sir James.

The Liverpool Post was never a friend to the prisoner, and always remained hostile to her, hence this language is still more significant:

"In fancy still one hears the distant fanfare of the trumpets, as the

judges with quaint pageantry passed down the hall, and still with the mind's eye sees the stately crimson-clad figure of the great mad judge, as he set him down to try his last case. A tragedy, indeed, was played upon the bench no less than in the dock. Few who looked upon that strong, square head can have suspected that the light of reason was burning very low within; yet as the days of the trial dragged by, days that must have been as terrible to the judge as to the prisoner, men began to nod at him, to wonder, and to whisper. Nothing more painful was ever seen in a court than the proud old man's desperate struggle to control his failing faculties. But the struggle was unavailing; it was clear that the growing volume of facts were unassorted, undigested in his mind, that his judgment swayed backward and forward in the conflict of testimony, that his memory failed to grip the most salient features of the case, for many minutes together. It was shocking to think that a human life depended upon the directions of this wreck of what was once a great judge."

When called to account by Mr. Oulton, in a letter he had written combatting the assumptions of their paper of the 13th, in which Mr. Oulton had said, that if the judge was mad the press did not mention it at the time of the trial, the Liverpool Post of the 14th replies as follows:

"As to the enfeebled condition of the great Fitz-James Stephens' faculties during the trial, Mr. W. H. S. Oulton says that the press did not mention it. How could the press arraign the sanity of a Judge of Assize during an Assize? There is such a thing as contempt of court. But rumors of the judge's mental decay had been prevalent before the trial, and during the trial those rumors were but too well justified. Nor was there any secret about it. The conspicuous incompetency of the poor man's mind—a splendid intellect in massive dilapidation and sinking ruin—was one of the miseries of the case."

Again, in an article on August the 16th, the same paper says:

"It is so easy to say now that no mention was ever made of this or that. But, on the other hand, people with memories can attest and do, that for years the uncertainty, the occasional confusion, the fitful torpor of Fitz-James Stephens' mind was a subject of continual anxiety, causing some inconvenience in the administration of justice, and great sorrow in the minds of those who had admired the seemingly impregnable strength of this great lawyer throughout his professional life. Indeed, the spirit of the whole drama, so far as the great judge was concerned, is enshrined in that most pathetic of incidents, his retirement."

The truth is, and it may as well now be spoken, the statements of Sir Edwin Russell's paper, the Liverpool Post, that Sir James was mad at the time of the trial are strictly true. They were well known to be true at that time to the leading men of the bar of England. Sir Edwin's writer says they were well known to the press. There is no western paper in Eng-

land, outside of London that has a higher position than the Liverpool Post. Its owner has sat in Parliament. He well knew it at the time of the trial, but he says, "There is such a thing as contempt of court." We must concede that it would have been a bold thing, to have published as a fact on the trial, what the editor of that journal then well knew that the trial judge was insane and wholly unfit to preside.

This statement of the mental condition of Sir James, not only at the time of the trial and before it, was well known to the bar. The writer learned this on the highest authority on his his recent visit to London. The members of the English Cabinet knew it. We believe that Sir Matthew White Ridley may not have known it. He was not a member of the bar.

This point of the insanity of the trial judge has never been considered by the Home Secretary. It was never made in any of the appeals for Mrs. Maybrick's release.

No one can arise from a perusal of the assault of the Liverpool Post without being certain and convinced of the insanity of the judge who tried her. It will make a new issue for the new Home Secretary, in addition to the points presented before.

Was the judge who tried Mrs. Maybrick insane at the time of the trial? If he was mentally incapacitated, so as to affect in any degree the full vigor of his memory, intellect or faculties, should she remain in prison?

LORD RUSSELL, OF KILLOWEN,
LATE LORD CHIEF JUSTICE OF ENGLAND.

LORD CHIEF JUSTICE RUSSELL OF KILLOWEN.

BY CLARK BELL, ESQ., LL. D., OF NEW YORK.

Since we went to press in our last issue, the Lord Chief Justice of England, Lord Russell of Killowen, has died.

He was a native of Newry, and he died August 10th, 1900, in the 68th year of his age. He joined the English bar in 1859; he immediately rose to its leadership, and for many years before his elevation to the bench, was recognized as the greatest advocate at the English bar.

He was made Attorney General in the Liberal Government of 1885–86, and again in that of 1892.

In 1894 he succeeded the late Lord Bowen as a Lord of Appeal in Ordinary, and a few months later he was appointed Lord Chief Justice of England, on the death of Lord Coleridge.

The English press announced his death in terms of highest praise.

The London Times said:

An impressive and virile personality has disappeared from the English Bench. Lord Russell, of Killowen, has, for a full generation, occupied a very high place—of late perhaps the very highest—among the representatives of the legal profession in this country. At the Bar he was, beyond dispute, the most powerful and the most successful advocate of his day. On the Bench he was, in point of dignity and force, a not unworthy successor of the greatest of the great men who have filled the office of Chief Justice of England.

No English lawyer of our time—perhaps not in any time—was better known than Lord Russell—we do not except even Lord Stowell. As counsel and as arbritrator he was conspicuous in international arbitrations of historical importance, and he always worthily upheld the dignity of this country. His conduct in the Behring Sea Arbitration was masterly, exciting the admiration of the American lawyers, his opponents, as well as the arbitrators. In the Venezuelan case as arbitrator he was equally successful, and it seemed as if events had marked out for him had he lived a new and great career as a trusted mediator in the disputes of the world.

With one voice the Bench and Bar of England to-day will say of the late Chief Justice, he had noble instincts, he maintained the traditions

of English justice; he loved the best in public and private life; and while ever a fighter, ever passing from struggle to struggle, there was in him a great fund of tenderness, a remarkable capacity for winning and keeping affection.

To illustrate the fervour with which he threw himself into his client's case, his defence of Mrs. Maybrick may be mentioned. A stranger to criminal Courts, he defended her before a hostile Judge, the late Mr. Justice Stephen, with more than his usual energy; and when she was convicted it may be doubted whether she suffered more than her advocate. He seemed for a time stunned and shattered; in place of his usual confidence and spirit were nervous depression and anxiety as to whether he had not made a serious mistake as to a certain statement. Nor did his interest in his client end with her conviction. Persuaded that the trial had not been in all respects satisfactory, he never ceased to labor for her release; and he could not forgive the Home Office for its lack of appreciation, as it seemed to him, of the merits of her case.

The bench and bar spoke also in a similar vein :

Mr. Justice Wright, on taking his seat in Court said that it was impossible to do so without saying a word on a subject which had caused the widest and deepest regret. "We have to deplore," continued his Lordship, "the loss of the Lord Chief Justice of England. He started with no advantages except his own strength and ability, and attained a wholly unique position as head of the English Bar, being the greatest of our time and equal to the greatest of any time. In Parlimentary and in public affairs in troubled times he bore a great, a noble, and a distinguished part. With universal approval he was appointed to high judicial office, and was recognized by the whole profession and the public as a worthy successor of a great line of Chief Justices of this country. A man of singular force and power of eloquence combined with single-minded devotion to duty and the public good, he was in private as in public life the kindest and the most tolerant of men."

Mr. Justice Kennedy, in Queen's Bench Division, who spoke under strong emotion, said:—It is impossible for us this morning to be unmoved by an event which causes an irrevocable loss, not merely to the Bar and to the Bench, but to the whole country. For myself, I am embarrassed by personal feeling of the strongest kind. Lord Russel of Killowen was one of the leaders of the Northern Circuit when I had the honor of joining it, and I speak the sentiments of every member of that circuit when I say that a kinder friend, a more generous opponent, and a brighter example of what a leader should be will not be found amongst those who figure in the records of the circuit. Personally I owe him a great debt, and his kindness to me was extended while his life lasted. We have lost a great Chief Justice, one whose marvellous grasp of facts, whose equally marvellous power of statement, and whose unsurpassed genius for striking at the heart of every question will make his work complete and memorable, whether it is looked at in the time of his labours as an advocate or in the period of his efforts as a Judge. There will be but one feeling —there can be but one feeling everywhere—that we have lost one of the

greatest of a great roll of Chief Justices, one who, alike as a man and as a Judge, deserves the higher praise than any words of mine can convey.

Mr. Justice Darling said:—I should like to add a word in supplement to what my brother Kennedy has so well expressed for us both, because my relations with the late Chief Justice were somewhat exceptional. When I was appointed to the Bench he welcomed me with a kindness which I shall never forget, and he assisted me from the outset until now in any difficulties that I had. And I felt this all the more because until I joined the Bench he and I had chiefly known one another as political opponents who had fought two hardly-contested elections against one another. In those contests over and over again I recognized how magnanimous an opponent he was. Nobody knew better than himself that he was dealing with a much younger and a far weaker man, but he never took any advantage of that fact. On the other hand, I found that he treated me with a magnanimity which could not be surpassed. It may be of interest to say that when I entered the House of Commons, as I did ultimately, but not when the late Lord Chief Justice was my opponent, the man to whom I owed my first introduction there and the man who procured me the honor of being called upon by the Speaker was the late Lord Chief Justice, who, knowing me merely as an opponent, came to me and asked me if there was anything he could do for me, Others can speak of him as a lawyer. I can speak of him as a generous opponent to whom I owe a good deal of any success to which I may have attained.

Mr. Justice Day, referred to the sudden and lamented death of Lord Russell of Killowen, Lord Chief Justice of England, and said that the death of the Lord Chief Justice was a most unexpected event and had come as a great shock to him and the whole Bar. He had been suddenly taken away from his short career upon the Bench, during which time he had most eminently distinguished himself. He was regarded with high esteem and affection by both the Bench and the Bar, and was a man who, when promoted to the Bench, it was hoped and expected would be spared to rule over it for many long years. It was not the time to dilate on the many abilities of the Lord Chief Justice, especially when he was speaking to men who knew him as well as he did. He had won the admiration and esteem of all, and he (the learned Judge) was only expressing the views of those who heard him in testifying to the regard and esteem in which the Lord Chief Justice was held by all who had known him, and they could only hope that in the world he had gone to he would be even happier than here.

Mr. Justice Gorell Barnes, upon taking his seat, in the Admiralty Division, addressing Sir Edward Clarke, the senior member of the Bar present, said in tones of deep emotion,—Sir Edward, I am most deeply grieved at that which I have only this moment heard, I mean the great loss which we have sustained in the death of the Lord Chief Justice, Lord Russell of Killowen. No words of mine can express how much his loss will be felt. His great services to our country, his splendid career both as an advocate and as a Judge, and his distinguished ability, so well known to us all, I am sure will make his loss most severely felt by every one I myself have had advantage of knowing him and of being associated with him ever since my first recollections at the Bar; and now I

have to refer to his sad and unexpected death. His memory will always be held in the highest honor by all.

Sir Edward Clarke, Q. C., who was greatly affected, said :—I wish to say a word, my Lord, on behalf of the Bar, although I find a difficulty in doing so— for I am speaking of one who was for years my companion and my rival at the bar—sometimes my antagonist and always my friend. When Charles Russell was at the Bar we all admired him. He was a great advocate—an intrepid advocate—sparing nothing to serve his client; a man of great energy, of inexhaustible industry, a brilliant speaker, and one whose oratory was formed and lightened by literary associations. And, my Lord, when he passed from our ranks and became a Judge we rejoiced at his promotion; we were, however. in no way surprised to find that he displayed the even greater qualities of a Judge. There was still the same energy, the same intrepid desire that justice should be done; and he had in him all the qualities of a great Judge. It is a loss we all deplore—it is a national loss. Your Lordship has referred to his services to our country when representing it on great occasions abroad. Those services, I am sure, will never be forgotten. Those who knew Charles Russell at the Bar, and admired him as a Judge, holding the greatest purely judicial office in this country, will never cease to regret his loss.

In America no man at the British bar, or upon the English bench, stood higher than Lord Russell. He had endeared himself to a large number of personal friends in this country. The sterling qualities which had placed him at the head of the bar of England, as an advocate, and in the highest judicial place in England, won from our people a warmer feeling than existed, as it seems to us, even in England.

His warm and persistent advocacy of the release of Mrs. Maybrick, against an unaccountable and unexplainable opposition in the English Home Office, had greatly endeared him to thousands of Americans, who, like him, firmly believed, not only in her innocence, but in the illegality of her conviction.

With that self-respect for his official position, which with a narrower man might have led him to inactivity in her behalf, because of his former relation, as her counsel at the trial, he felt a natural reserve against the public expression of his views of the illegality of her conviction, and the injustice of her imprisonment, while on the bench as Lord Chief Justice, but never for one moment did he falter or waver, during every administration, to denounce to the English Government and Home Minister, her detention in prison, nor cease to pronounce, as the head of the justiciary of England, the illegality of her con-

viction, nor the injustice of her father retention in prison. Those whose confidence he shared, and who have seen the various statements he filed with the English Home Office, in favor of her immediate release, and which are now on file, speak of them as masterly and unanswerable arguments, and the London Times, in this regard, speaks truly when it says, that "he could not forgive the Home Office for its lack of appreciation, as it seemed to him, of the merits of her case."

It is perhaps true that, he foreseeing that his enemies among her majesty's ministers and their advisers, who held their animosity to him higher than the claims of the unfortunate prisoner, might thwart all his efforts for her deliverance, and that he for this reason, left in her hands the written statement of his deliberate declaration, on the official paper of his high office, that her release ought to have been granted, and that she ought never to have been convicted, so that when death came, the hand of the dead Chief Justice might prove more powerful than the splendid labors of the living one.

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MEDICAL JURISPRUDENCE IN AMERICA IN THE NINETEENTH CENTURY.

BY CLARK BELL, ESQ., LL. D.,

President of the International Medico-Legal Congress of New York, June, 1889; President of the International Congress of Medical Jurisprudence, at Chicago, 1893; President of the Congress of Medical Jurisprudence of September, 1895, at New York; President Medico-Legal Society of New York; Delegate from the Government of the United States to the Thirteenth International Medical Congress of 1900, at Paris; Honorary Member of the Medico-Legal Society of France, etc., etc.

[*Continued.*]

Professor H. L. Mott, M. D., held the office of Chemist of that Society for some years prior to his untimely death.

Prof. George B. Miller, M. D., of Philadelphia, held the office for a few terms; and Professor Charles A. Doremus, a son of R. Ogden Doremus, now holds that office. Prof. W. B. McVey, of Boston, is and has been for some years Toxicologist of that Society.

The following have been president of the Medico-Legal Society:

PRESIDENTS OF THE MEDICO-LEGAL SOCIETY.

Dr. Thomas C. Finnell was the first President of the Medico-Legal Society, elected October 1867, although Dr. Wooster Beach had presided at the earlier meetings of the Society. Both of these gentlemen were coroner's physicians, and also were in general practice.

Judge Davis McAdam, now on the Supreme bench; Dr. James J. O'Dea, author of a work on suicide; Hon. J. F. Miller, Dr. Stephen Rogers, Prof. John H. Anthon, Francis Tillou, Dr. S. N. Leo and the brothers, William and

PROMINENT AUTHORS AND OFFICERS OF THE MEDICO-LEGAL CONGRESS.

PROF. M. C. WHITE,
Microscopist Medico-Legal Society,
Yale University, New Haven, Conn.

G. E. SHUTTLEWORTH, B. A., M. D.,
M. R. C. S., L. S. A., of England.

EX-GOV. R. P. FLOWER,
New York.

PROF. R OGDEN DOREMUS, M. D.,
Ex-Pres. Med.-Leg. Society.

NORMAN KERR, M. D.,
Vice-Pres. Med.-Leg. Cong.,
London.

MORITZ ELLINGER, ESQ.,
Cor. Sec'y Medico-Legal Society,
of New York.

HON. RASTUS S. RANSOM,
Chairman Committee of Arrangements.
Medico-Legal Society.

Jacob Shrady, of the bar and of the medical profession, were among the earlier members.

Hon. Jacob F. Miller was elected in the fall of 1868 and served in 1869. He was a prominent member of the bar of the City of New York, and was re-elected President of the Society years later and served for the year 1897.

Dr. Stephen Rogers was elected President in 1870. He was a man of great energy and threw himself into the work of enlarging the Society. Dr. Rogers influenced members of the bar and medical men to unite with the Society. He served two years—1871 and 1872.

Mr. Clark Bell was elected the fourth President in the fall of 1872 and served three years, 1873, 1874 and 1875. He founded the library of the Society and then he made his retiring address. November, 1875, the Society mustered over 400 members, about equally divided between the professions of law and medicine.

In 1874 the Society, during Mr. Bell's administration, published volume one of Medico-Legal papers in an edition of 1,000 copies and promised to follow it with other volumes later.

Prof. Frank Hastings Hamilton, author of "Fractures and Dislocations," one of the prominent physicians in the city, and an eminent authority in malpractice cases, succeeded Mr. Bell, and was elected in the fall of 1875 President of the Society, and served two terms—1876 and 1877.

Hon. George H. Yeaman, a prominent lawyer at the New York city bar, who had served as minister from the United States to Denmark, succeeded Prof. Hamilton as President. He was elected in the fall of 1877 and served two terms—1878 and 1879.

Dr. Charles S. Wood, a physician in general practice, succeeded Mr. Yeaman. He was elected President in the

fall of 1879 and served two terms—in the years of 1880 and 1881.

In the fall of 1881, Mr. Clark Bell was again called to the chair of the Society and re-elected President, serving three terms, 1882, 1883 and 1884; and it was in 1884, during Mr. Bell's presidency, that volumes 2 and 3 of Medico-Legal Papers, which had been announced in 1875, were finally published.

Mr. Bell, declining a re-election in the fall of 1884, Prof. R. Ogden Doremus was elected President, an eminent chemist and toxicologist and the first chemist that had occupied the chair of the Society. He served in 1885.

Dr. Isaac Lewis Peet, at the head of the Institution for the Education of the Deaf and Dumb, was elected President of the Society in the fall of 1885, and he served during the year of 1886.

In 1886, at the fall election, Mr. Clark Bell by an almost unanimous vote was again re-elected President of the Society and served five terms—1887, 1888, 1889, 1890 and 1891.

The Medico-Legal Journal had been founded by Mr. Bell in June, 1883, and made the organ of the Society. In 1889 a new and illustrated edition of series 1 "Medico-Legal Papers" was issued by the Society, and steps taken to secure the publication of volumes 4 and 5 "Medico-Legal Papers," which were nearly completed during Mr. Bell's administration.

In June, 1889, an International Congress of Medical Jurisprudence was held in New York under the auspices of the Medico-Legal Society, and a bulletin of the Congress was subsequently published.

In the fall of 1891 Mr. Bell declined to continue in the Presidential chair of the Society longer and nominated ex-Judge Henderson M. Somerville, late of the Supreme

Court of Alabama, for the office, who was elected and Judge Somerville served for the year 1892.

He was renominated for 1893, but declined, and Mr. Bell was renominated and declined. Judge Abraham Dailey, ex-surrogate of Kings County, was elected President of the Society and served as President for the year 1893.

In the fall of 1893 Judge Dailey declined a re-election, Dr. Hubbard W. Mitchell, of New York City, a prominent physician in general practice, was elected President of the Society, and served two terms—in the years 1894 and 1895.

In the fall of 1895 Dr. S. B. W. McLeod, a physician in general practice, was elected President of the Society, and served for the year 1896.

He was succeeded by the Hon. Jacob F. Miller, one of the earlier Presidents of the Society, who was elected in the fall of 1896 and served in the year 1897.

Dr. S. B. W. McLeod was re-elected President in the fall of 1897, and served during the year 1898.

He was succeeded by Mr. Albert Bach, assistant corporation cousel of New York City, who had served as Vice President of the Society for many years, and who had been an active worker in the body for many years.

Mr. Bach was elected in the fall of 1898, and served during the year 1899.

In the fall of 1899, Mr. Clark Bell was unanimonsly re-elected President of the Society, and resumed the chair at the January meeting of 1900, a position which he now holds.

WORKS ON MEDICAL JURISPRUDENCE.

Besides those already named, Prof. James J. Elwell, of the Cleveland, Ohio, bar, contributed a volume, "Elwell's Medical Jurisprudence" which had a large sale among lawyers and jurists.

Prof. J. J. Ordronoux was the author of a treatise entitled "The Jurisprudence of Medicine," which was published in 1869, and which was greatly used at that time and influenced public opinion and legislation at that period.

Allan McLane Hamilton, M. D., published a work in 1894 entitled "Hamilton's System of Legal Medicine."

Francis Wharton, M. D., published in 1885 a small work on "Mental Unsoundness," which was followed in the same year by a work entitled "A Treatise on Medical Jurisprudence," by Francis Wharton and Morton Stille, M. D. This was an elaborate work of 815 pages and successive editions were published in 1860, 1872 and 1873; and in 1882 a fourth edition was published. The work is a valuable contribution to the science.

Prof. William A. Hammond published several works and edited a journal of Psychological Medicine for several years.

Dean's Medical Jurisprudence was published early but did not supercede Beck or attain as much prominence as Prof. Elwell's work. He was a contemporary of Beck.

The most complete bibliographical contribution relating to the works on American Medical Jurisprudence, and also the best enumeration of the general treatises of Italy, Germany, France and Great Britain, up to September, 1876, is that made by Prof. Stanford E. Chaille in his masterly address to the International Medical Congress in Philadelphia in 1876, to which I refer the student, with great confidence.

If my time permit I will submit an appendix of the later works in America, since September, 1876.

THE MEDICO-LEGAL SOCIETY OF NEW YORK AND ITS INFLUENCE AND LABOR.

While the organization of this body was completed in

1868, and duly incorporated under the laws of New York, it was not until about 1871 or 1872 that it was assigned any prominent position as an element in the progress of the science.

It grew from that date into a powerful and prominent body, composed of both professions of law and medicine.

In June, 1883, the Medico-Legal Journal was founded, which has since been continued as the organ of that body, and for the last quarter of the nineteenth century has been the most conspicuous and prominent factor in the progress and development of the science upon the American continent.

This Society had already become a national organization prior to 1889, and it then became international, having Vice Presidents, not only in every state and territory in the American union, but in nearly every country among the civilized nations of the globe.

In 1889, the first International Congress of Medical Jurisprudence was held under its auspices in the City of New York.

The next International Congress of Medical Jurisprudence was held at Chicago on the occasion of the International Exposition of that year; and in September, 1895, a Congress of Medical Jurisprudence was held in the Federal Court buildings, New York City, which attracted more attention than any of the prior movements.

Bulletins of the various Congresses have been published and the last one contains a large number of contributions of great public interest and value.

This Society published three volumes of its earlier papers and contemplates the publication of two other volumes of the papers read before it, to bring its labors down to the date of the beginning of the Medico-Legal Journal.

APPENDIX "A."

TO PAPER OF CLARK BELL, ESQ., ON "MEDICAL JURISPRUDENCE IN AMERICA IN THE NINETEENTH CENTURY."

THE MASSACHUSETTS MEDICO-LEGAL SOCIETY.

This Society was organized October 1, 1877, and its work has been done in the last quarter of the nineteenth century. The abolition of the old and antiquated office of Coroner was effected in the State of Massachusetts greatly and, I may say, mainly by the indefatigable efforts of Theodore H. Tyndale, Esq., a member of the Boston bar, a student of sociology, and a publicist of advanced ideas, one of the ablest and foremost of the co-workers in the Medico-Legal Society.

The officer to take the place of the departed Coroner was entitled "The Medical Examiner," and was appointed by the Governor of the State, and was required by law to be a physician well skilled in the principles of Forensic Medicine.

These officers thus appointed by the Governor of the State of Massachusetts, were admirably selected, and it was the most conspicuous advance in Forensic Medicine by legislation, that had occurred in the United States, and was an entirely new innovation on the old English system.

The Medical Examiner was clothed with the conduct of all cases that had come before Coroners, and conducted under careful legal regulations the medical and surgical side of the inquiry. The law placed the legal side of it in charge of the law officers of the State.

This system was followed in Rhode Island and in Connecticut. A streneous effort was made for its adoption in New York, but the constitution of New York was in the way, and for some years prevented it. Recently the office

has been abolished, or rather the constitutional question has been removed, and the subject is now where the Massachusetts system could be adopted but the subject is still open in New York and in other States.

The Massachusetts Medico-Legal Society was formed by the Medical Examiner so appointed under this law. It has done admirable work. It has published two volumes of its labors. I have the honor to submit:

1st. Its Presidents since its organization; and its other officers:

PRESIDENTS.

Alfred Hosmer, M. D.	1877–1879
Robert Amory, M. D.	1879–1881
Silas D. Presbrey, M. D.	1881–1885
Frederick Winsor, M. D.	1885–1888
Joseph G. Pinkham, M. D.	1888–1890
Alfred F. Holt, M. D.	1890–1891
F. W. Draper, M. D.	1891–1892
Z. B. Adams, M. D.	1892–1895
S. W. Abbott, M. D.	1895–1897
B. H. Hartwell, M. D.	1897–

VICE-PRESIDENTS.

Theodore F. Breck, M. D.	1877–1879
Silas D. Presbrey, M. D.	1879–1881
Frederick Winsor, M. D.	1881–1885
Joseph G. Pinkham, M. D.	1885–1888
Alfred F. Holt, M. D.	1888–1890
F. W. Draper, M. D.	1890–1891
Z. B. Adams, M. D.	1891–1892
S. W. Abbott, M. D.	1892–1895
B. H. Hartwell, M. D.	1895–1897
J. H. Gilbert, M. D.	1897–

CORRESPONDING SECRETARIES.

Frederick Winsor, M. D.	1877–1879
S. W. Abbott, M. D.	1879–1882
J. G. Pinkham, M. D.	1882–1885
B. H. Hartwell, M. D.	1885–1895
J. A. Mead, M. D.	1895–1896
G. de N. Hough, M. D.	1896–

RECORDING SECRETARIES.

Robert Amory, M. D.	1877–1879
Charles C. Tower, M. D.	1879–1882
William H. Taylor, M. D.	1882–1890
Thomas H. Durell, M. D.	1890–1893
F. W. Draper, M. D.	1893–1896
J. A. Mead, M. D.	1896–

TREASURERS.

Robert Amory, M. D.	1877–1879
C. C. Tower, M. D.	1879–1893
A. E. Paine, M. D.	1893–

2nd. I append a list of its members in 1899:

REGULAR MEMBERS.

Z B. Adams, M. D., Framingham.
C. A. Atwood, M. D., Taunton.
F. S. Atwood, M. D., Salem.
F. H. Baker, M. D., Worcester.
H. G. Blake, M. D., Woburn.
T. F. Breck, M. D., Springfield.
O. J. Brown, M. D., North Adams.
Homer Bushnell, M. D., North Adams
F. J. Canedy, M. D., Shelburne Falls.
C. A. Carlton, M. D., Salem.
J. F. Croston, M. D., Haverhill.
H. M. Cutts, M. D., Brookline.
F. W. Draper, M. D., Boston.
H. W. Dudley, M. D., Abington.
T. M. Durell, M. D. Somerville.
E. W. Dwight, M. D. Boston.
R. H. Faunce, M. D., Sandwich.
H. K. Foster, M. D., Peabody.
J. C. Fraser, M. D., East Weymouth.
J. C. Gallison, M. D., Franklin.
J. H. Gilbert, M. D., Quincy.
C. W. Haddock, M. D., Beverly.
F. A. Harris, M. D., Boston.
B. H. Hartwell, M. D., Ayer.
E. D. Hill, M. D., Plymouth.
A. H. Hodgdon, M. D., Dedham.
E. G. Hoitt, M. D., Marlboro.
William Holbrook, M. D., Palmer.
C. C. Holcombe, M. D., Lee.
C. S. Holden, M. D., Attleboro.
F. Holyoke, M. D., Holyoke.
G. de N. Hough, M. D., New Bedford
O. M. Howe, M. D., Cohasset.
O. T. Howe, M. D., Lawrence.
J. C. Irish, M. D., Lowell.
E. S. Jack, M. D., Melrose.
F. E. Jones, M. D., Quincy.
H. B. McIntosh, M. D., Medway.
J. A Mead, M. D., Watertown.
W. W. Miner, M. D., Ware.
W. M. Moore, M. D., Provincetown.
C. E. Morse, M. D., Wareham.
G. N. Munsell, M. D., Harwich.
E. W. Norwood, M. D., Spencer.
F. K. Paddock, M. D., Pittsfield.
A. E. Paine, M. D., Brockton.
H. B. Perry, M. D., Amherst.
W. H. Pierce, M. D., Greenfield.
J. G. Pinkham, M. D., Lynn.
S. D. Presbrey, M. D., Taunton.
S. F. Quimby, M. D., Gloucester.
F. J. Ripley, M. D., Brockton.
J. H. Robinson, M. D., Southboro.
R. B. Root, M. D., Georgetown.
E. A. Sawyer, M. D., Gardner.
E. L. Sawyer, M. D., Barre.
C. Seymour, M. D., Northampton.
W. J. Sleeper, M. D., Westford.
W. P. Small, M. D., Great Barrington.
J. W. Spooner, M. D., Hingham.
George Stedman, M. D., Boston.
J. L. Sullivan, M. D., Malden.
W. D. Swan, M. D., Cambridge.
F. H. Thompson, M. D., Fitchburg.
G. E. Titcomb, M. D., Concord.
S. C. Tucker, M. D., Peabody.
W. E. Tucker, M. D., Ipswich.
G. P. Twitchell, M. D., Greenfield.
W. M. Wright, M. D., Orange.

ASSOCIATE MEMBERS.

S. W. Abbott, M. D., Wakefield.
J. F. A. Adams, M. D., Pittsfield.
Robert Amory, M. D., Boston.
T. M. Babson, Esq., Boston.
Clark Bell, Esq., New York.
Prof. H. P. Bowditch, M. D., LL. D., Boston.
H. W. Chaplin, Esq., Boston.
Prof. W. B. Hills, M. D., Boston.
G. F. Jelly, M. D., Boston.
W. G. Johnston, M. D., Montreal.
Hosea Kingman, Esq., Bridgewater.
P. C. Knapp, M. D., Boston.
Hon. H. M. Knowlton, New Bedford

J. R. Bronson, M. D., Attleboro. Arthur Lord, Esq., Plymouth.
Robert Burns, M.D., Plymouth, N. H. Herbert Parker, Esq., Lancaster.
Prof. W. T. Councilman, M. D., Boston. Jay Perkins, M. D., Providence, R.I.
Hon A. E. Pillsbury, Boston.

3rd. The value of its labors can best be considered by giving the work and labors of the Society from the volumes it has published:

Vol. I contains:

TRANSACTIONS OF THE MASSACHUSETTS MEDICO-LEGAL SOCIETY. VOL. I. 1878-1888.

CONTENTS.

The Law Concerning Medical Examinations and Inquests, 1877.
Constitution and By-Laws of the Massachusetts Medico-Legal Society.
Officers and Members of the Massachusetts Medico-Legal Society, 1878.
Introductory Address. By Alfred Hosmer, M. D., President.
The Relation which Chemistry bears to Forensic Medicine. By E. S. Wood, M. D.
The Value of Anatomical Appearances. By R. H. Fritz, M. D.
Concerning Coroners and the Theory and Practice of Inquests. By T. H. Tyndale, Esq.
Cases Illustrating the Work and Duties of the Medical Examiner. By F. W. Draper, M. D.
A Case of Arsenical Poisoning, with Fatty Degeneration of the Liver, Kidneys and Gastric Glands. By J. G. Pinkham, M. D.
The Work of the Medical Examiners in 1877.
The Evidence of Still-Birth. By S. W. Abbott, M. D.
The Anatomical Changes Caused by Septicæmia and Pyæmia. By E. G. Cutler, M. D.
A Medico-Legal Case of Abortion, followed by Conviction of the Accused Abortionist. By J. C. Gleason, M. D.
The Duties of Medical Examiners Considered in their Practical Relations. By Asa French, Esq.
Clinical and Anatomical Evidences of Abortion. By C. C. Tower, M. D.
The Work of the Medical Examiners in 1878.
Medical Expert Testimony: What it is and what it should be.
The Metric System in Forensic Medicine.
The Collection of Data at Autopsies. By H. P. Bowditch, M. D.
Death by Lightning. By J. L. Sullivan, M. D.
What constitutes the "Dead Body of a Person"? By A. F. Holt, M. D.
The Medico-Legal Relations of Alcoholism: Its Pathological Aspects. By G. K. Sabine, M. D.
On Points of Interest in the Jennie P. Clarke Case. By J. G. Pinkham, M. D.
The Work of the Medical Examiners in 1879.
Address on the History and Work of the Society. By Robert Amory, M. D.
In What Cases Shall the Medical Examiner Decline to View a Dead Body? By Alfred Hosmer, M. D.

Ignorance as a Legal Excuse for Malpractice. By A. E. Pillsbury, Esq.

Conditions and Circumstances Which Should Induce the Medical Examiner to Employ a Chemist. By E. P. Miller, M. D.

The Work of the Medical Examiners in 1880.

What Constitutes a Medico-Legal Autopsy? By S. D. Presbrey, M. D.

On the Habitual Use of Poisons. By A. H. Johnson, M. D.

The McCornish Homicide Case. By C. C. Tower, M.D.

The Medico-Legal Relations of Chronic Alcoholism: Its Pathological Aspects. By G. K. Sabine, M. D.

The Medico-Legal Relations of Insanity. By Ira Russell, M. D.

The Work of the Medical Examiners in 1881.

The Gunn Homicide Case. By A. E. Paine, M. D.

Infanticide by Drowning. By J. G. Pinkham, M. D.

A Strange Case: Suicide by Blows on the Head. By O. T. Howe, M. D.

A Case of Delayed Putrefactions. By W. H. Taylor, M. D.

The Work of the Medical Examiners in 1882.

The External Appearances of Pistol-Shot Wounds. By D. B. N. Fish, M. D.

Medico-Legal Features of Life Insurance. By Max F. Eller, Esq.

Cases of Death by Drowning and by Hemorrhage. By S. D. Presbrey, M. D.

Homicide by a Wound of the Vulva. By F. W. Draper, M. D.

A Case of Death by Drowning. By George Stedman, M. D.

The Work of the Medical Examiners in 1883.

Infanticide by Suffocation. By W. H. Taylor, M. D:

On Death by Drowning. By F. W. Draper, M. D.

A Case in Doubt. By W. M. Wright, M. D.

The Work of the Medical Examiners in 1884.

The Dunbar Case. By F. K. Paddock, M. D.

The Dunbar Tragedy: Was it a Murder or Was it a Suicide? By D. B. N. Fish, M. D.

Notes on the Lawton Murder. By W. H. Taylor, M. D.

Case of Poisoning With Oil of Gaultheria. By J. G. Pinkham, M. D.

Notes on an Anomalous Arrangement of the Large Veins of the Neck. By J. G. Pinkham, M. D.

A Case for the Medical Examiner. By S. D. Presbrey, M. D.

The Work of the Medical Examiners in 1886. By S. W. Abbott, M. D.

APPENDIX.

A—Scotch Regulations Relating to the Medico-Legal Examination of Dead Bodies.

B—Letter from Attorney-General Concerning Fees of Witnesses at Autopsies.

C—Extracts from the Society's Records, 1878–1879.

D—Decision of Postmaster-General concerning Blanks.

E—Extracts from the Society's Records, 1879–80.

F—On the Collection of Data at Autopsies.

G—Report on the definition of "Violence."

H—Two Medico-Legal Decisions of the Supreme Court of Massachusetts, affecting Medical Examiners.

I—Extracts from the Society's Records, 1883.

J—Massachusetts Laws Relating to Medical Examiners, compiled from Statutes in Force October 1, 1886.

K—Amendment of the Law Relating to Burial of Unclaimed Dead Bodies.

L—Members and Officers of the Society in October, 1887.

Vol. II contains:

TRANSACTIONS OF THE MASSACHUSETTS MEDICO-LEGAL SOCIETY. VOL. II. 1888–1898.

CONTENTS.

Historical and Statistical Facts pertaining to the use of Arsenic as a Poison. By S. W. Abbott, M. D.

Clinical History of Arsenical Poisoning. By A. F. Holt, M. D.

Anatomical Appearances resulting from Poisoning by Arsenic. By F. W. Draper, M. D.

The Chemistry of Arsenic. By W. B. Hills, M. D.

The Robinson Cases of Arsenic Poisoning. By T. M. Durell, M. D.

Arsenic in the Courts. By F. A. Harris, M. D.

Accidental Drowning. By F. Winsor, M. D.

A Murderer's Dying Confession disproved by Surgical and Anatomical Facts. By B. E. Cotting, M. D.

Medico-Legal Examinations in cases of alleged injuries to the Brain and Spinal Cord. By P. C. Knapp, M. D.

Medical Testimony from a Legal Stand-point. By H. N. Sheldon, Esq.

Was it Murder, or was it Suicide? By F. W. Draper, M. D.

Sudden Death from Diseases of the Organs of Circulation: A Discussion.

Abdominal and Pelvic Emergencies causing Sudden Death. By J. C. Irish, M. D.

Affections of the Nervous System causing Sudden Death. By P. C. Knapp, M. D.

The Coy Murder Case. By F. K. Paddock, M. D.

Identification of the Human Skeleton. By S. W. Abbott, M. D.

Sudden Death due to the Heart. By W. T. Councilman, M. D.

The Rights and Duties of Medical Examiners in Homicidal Cases. By W. A. Dolan, M. D.

The Leach Case (Abortion). By T. M. Durell, M. D.

Pancreatic Hemorrhage as a cause of Sudden Death. By W. F. Whitney, M. D.

What Cases shall a Medical Examiner "View"? By J. A. Mead, M. D.

Suicide or Homicide? A case for Medico-Legal Diagnosis. By C. S. Holden, M. D.

A case of Homicide, with comments. By A. H. Hodgdon, M. D.

Death "supposed to have been caused by violence." By Z. B. Adams, M. D.

Was it Murder, or Suicide? By E. P. Hurd, M. D.

The Farrar Murder Case. By J. A. Mead, M. D.

The Post Mortem Signs of Drowning. By G. de N. Hough, M. D.

A Case of Criminal Abortion with Peculiar Features. By W. S. Birge, M. D.

The Gilbert Murder Trial:—
A Medico-Legal Review. By F. W. Draper, M. D.
The Defendant's Mental Condition. By G. F. Jelly, M. D.
The Microscope as a Witness. By W. F. Whitney, M. D.
A case of Homicide without any External Marks of Violence. By S. D. Presbrey, M. D.
A Murder by a Stab-Wound of the Pulmonary Artery. By O. J. Brown, M. D.
The Crosby Homicide Affair. By J. F. Croston, M. D.
Two Cases of Medico-Legal Interest. By J. G. Pinkham, M. D.
Identification of a Human Skeleton. By Robert Burns, M. D.
Concerning Criminal Abortion. By E. G. Hoitt, M. D.
Legal Value of Dying Declarations. By Daniel March, Jr., M. D.
Three Deaths from Head Injury. By F. H. Baker, M. D.
The Iodine Test for Semen. By Wyatt Johnson, M. D.
The Duties of a Medical Examiner. By H. M. Knowlton, Esq.
The Medical Examiner as a Witness. By Sherman Hoar, Esq.
The Identification of Seminal Stains. By W. F. Whitney, M. D.
Sudden Death by Alcoholism. By E. P. Hurd, M. D.
A case of Gun-Shot Wound of the Head. By W. D. Swan, M. D.
The Kaiserling Method of Preserving Anatomical Specimens. By W. F. Whitney, M. D.
The McCloud Murder Case. By F. J. Canedy, M. D.
Contre Coup and its Relations to Head Injuries. By B. H. Hartwell, M. D.
Carbolic Acid Poisoning. By Frank Holyoke, M. D.
The Butters Murder Case. By G. E. Titcomb, M. D.
Cholin in the Iodine Test for Semen. By W. F. Whitney, M. D.

The Rhode Island Medico-Legal Society.

Shortly after the organization of the Massachusetts Medico-Legal Society, the office of Coroner was abolished in the State of Rhode Island and the office of Medical Examiner took his place in that State upon substantially the same line as Massachusetts. The Rhode Island Medico-Legal Society was formed upon a similar basis to that of Massachusetts but I have been unable to obtain any published work containing a record of its transaction or a list of the papers read before it.

It was organized June 11th, 1885.

The following gentlemen have served as presidents: Wm. H. Palmer, M. D., 1885 and 1886; L. F. C. Gurvin, M. D., 1886 and 1887; H. E. Turner, M. D., 1887 and 1888; Geo. D. Wilcox, M. D., 1888 and 1889; J. H. Mor-

gan, M. D., 1889 to 1891; Chas. A. Barnard, M. D., 1891 to 1893; John Wiksor, M. D., 1893 to 1895; H. Goodwin Mackaye, M. D., 1895 to 1897; Jay Perkins, M. D., 1897 to 1899; Charles H. French, M. D., 1899.

The officers at present are: President, Charles H. French, M. D., Pawtucket, R. I.; Vice-President, Charles A. Barnard, M. D., Centerdale, R. I.; Secretary and Treasurer, Harry W. Kimball, M. D., 1493 Broad St., Providence.

There have been no papers or transactions published by the Society.

The Chicago Medico-Legal Society.

This body was organized in the City of Chicago in the year 1886 mainly through the efforts and enterprise of Dr. A. Steele, who was its first President, aided by Prof. Marshall E. Ewell, of that city, who was its first Secretary.

There were eighty-four physicians upon its first roll of positions as announced by the Chicago Legal News.

This body has since maintained a thorough and active organization and its officers have been selected from the prominent men of both professions.

The papers read before it have been of a high character by distinguished members of the bench, bar and of the medical profession. I have been unable to find any volume of its published transactions or any complete list of the papers read before it which have appeared, however, in some of the leading medical journals of the country.

Philadelphia Society of Medical Jurisprudence.

This body was organized more than twelve years since in the City of Philadelphia and had a large and influential roll of membership selected from the more eminent men of that city connected with forensic medicine.

It did not publish its proceedings in any former volume but the papers read before it were of a very high order and

were valuable contributions to the literature of the science of forensic medicine.

Among its Presidents were the names of Prof. John J. Reese, M. D., Hampton L. Carson, Esq., Samuel D. Gross, M. D., Isaac Ray, M. D., Theodore H. Wormley, M. D., and many others of prominence and distinction.

Denver Medico-Legal Society.

The City of Denver is the capital and chief city of Colorado. In 1890 the Denver Medico-Legal Society was organized greatly through the efforts and labors of Prof. Dr. J. T. Eskridge and Dr. Donald McLennan, two of the leading medical men of a city renowned for the brilliancy of its bar and the prominence of its leading physicians. Its first President was Judge O. E. LeFever. Its membership contained about fifty names of men selected from the legal and medical professions, and it accomplished a good work, but never had any official organ of publication, and the papers read before it were never published in any authorized form by the body, but frequently appeared in various medical journals.

Prof. J. T. Eskridge succeeded Judge LeFever as President of the Society, and Dr. John Chase, of Denver, was the last President elected by the Society. I have been unable to obtain a complete list of its officers and members, or the titles of the papers read before it.

Society of Medical Jurisprudence, of New York City.

This Society was organized and incorporated March 5th, 1883.

The following have been Presidents of the Society since its organization: Hon. William Barnes, Frank H. Hamilton, M. D., LL. D., Hon. Amos G. Hull, Landon Carter Gray, M. D., Hon. David McAdam, Nathan E. Brill, A.

M., M. D., Hon. John Sabine Smith, Hon. Edward F. Brush, M. D., Hon. S. B. Livingston and Frank Ferguson, M. D.

Its officers for the year 1900 are: President, Frank Ferguson, M. D.; Vice-President, Theodore Sutro; Secretary, John C. West; Corresponding Secretary, Alfred E. Ommen; Treasurer, D. McLean Shaw.

I am unable to find any published proceedings of this body, but valuable contributions to the science have been read before it and published in various medical and other journals by prominent members of both the legal and medical professions.

In the year 1900 it published a constitution and catalogue of members and in which the following papers were read and discussed before the Society in 1898:

Address by the President-elect, S. B. Livingston, Esq., on the "Profession of Law and Medicine, a Comparison and Contrast."

"Circumstantial Evidence," by E. H. Benn, Esq.

"Expert Evidence from the Standpoint of the Witness," by F. X. Dercum, M. D., Ph., D.

"The Legal Disabilities of Natural Children, Justified Biologically and Historically," by Edward C. Spitzka, M. D.

"The Development of Mental Competency from a Presumption of Law into a Question of Fact," by Hon. John Dewitt Warner.

"The Status and Legal Rights of the Soldiers," by J. Hampton Dougherty, Esq.

"Apparent Death," by Henry J. Garrigues, M. D.

"Expert Medical Testimony, a Defense of the Present Procedure," by Hon. John Woodward, Justice Supreme Court, Appellate Division.

And that the following papers were read and discussed before the Society in 1899:

Address by the President, S. B. Livingston, Esq., on "Citizenship and the Age of Maturity."

"The Medical and Legal Aspect of Hysteria Induced by Injury," by Pearce Bailey, M. D.

"Unreliability of Drugs," by Edmund J. Palmer, M. D., Commissioner of Quarantine.

"Natural Law vs. Statuary Law," by Gino C. Speranza, Esq.

"The Logical Character and Function of Opinion Evidence," by William Allaire Shortt Esq.

"Extremes in Anthropometry with Reference to the Bertillon System," by Edward C. Spitzka, M. D.

"The Medico-Legal Autopsy, a Plea for Medical Precision and Legal Recognition," by Hugh Hamilton, M. Sc., M. D., Harrisburg, Pa.

"The Law and Science of Capital Punishment by Electricity," by Roger M. Sherman, Esq.

THE CASE OF FLORENCE E. MAYBRICK.

REPORT OF THE MAYBRICK MEMORIAL COMMITTEE.

To the Officers and Fellows of the Medico-Legal Society:

The undersigned in behalf of the Maybrick Memorial Committee, submits a copy of the Memorial and other papers forwarded through the Government of the United States to Sir Matthew White Ridley, late Home Secretary of the English Government, through the kind action of the Honorable Wm. KcKinley, President of the United States, and the views of eminent Medical Toxicological experts also forwarded through the same channel to the English Home Secretary, with some of the correspondence:

Your committee also submits the following facts:

That the Memorial papers were submitted by the American Ambassador, Honorable Joseph H. Choate, to the English Home Office, acting under instructions from the Government of the United States to urge with his best efforts the release of Mrs. Florence Maybrick.

That the undersigned has been informed by the American Ambassador that in pursuance of instructions from the United States Government, he has urged her release upon Sir Matthew White Ridley and pressed for favorable action to the best of his ability.

That no official action has been taken by the English Government on the Memorial, nor has any reply been made to the Memorial Committee thereon, and that as far as the Memorial Committee can learn, no official reply has been made thereto by the late Home Secretary, Sir Matthew White Ridley, up to the time of the change of the English Ministry, when his place was filled by another.

FLORENCE E. MAYBRICK.

That by the laws, customs and usages of England, the Home Secretary alone has the power to recommend the release of prisoners. That the Queen of England under the interpretation now given to the English Constitution by English authorities, has not the power o pardon in such a case except upon the recommendation of the Home Secretary.

That the undersigned visited Mrs. Maybrick in Her Majesty's Convict Prison at Aylesbury, in August last, by the permission of the English Home Office, at her request, and learned that she was in possession of a letter sent to her voluntarily by the late Lord Chief Justice of England, Lord Russell of Killoween, in which he had declared that "she ought never to have been convicted, and her release ought to be granted."

That Mrs. Maybrick placed the original letter in the hands of the undersigned who exhibited the same to Dr. Durkin the officer in charge of the Home Office in London on the 23rd of August, 1900, and shortly after sent a copy of the same to the Honorable Sir Matthew White Ridley, then Home Secretary, at his country residence, he being absent from London and in vacation, and placed the original letter in London so that in could be shown to any Home Office official through the courtesy of the American Ambassador, Honorable Joseph H. Choate.

Your committee are under great obligations to the late Lord Chief Justice Russel of Killoween and to Messrs Lumley and Lumley, Solicitors in London, for the loan of copies of the evidence, for use of the committee; to W. H. S. Morick, Esq., of Dublin, Barrister at Law, and to the Baroness de Roques of Rouen, Mrs. Maybrick's mother, for similar favors.

That a fac simile of Lord Russell's letter is attached to this report.

In behalf the Maybrick Memorial Committee of the Medico-Legal Society. By

CLARK BELL, Chairman.

New York, N. Y., November 12th, 1900.

This report was read at the meeting of the Medico-Legal Society held November 21st, 1900.

On motion the report of the committee was received and approved and ordered printed in the Medico-Legal Journal.

THE CASE OF MRS. MAYBRICK.

At the June meeting of the Medico-Legal Society, held June 31st, 1899, the Maybrick Memorial Committee, made the following preliminary report of progress as to the work of the committee :

To the Medico-Legal Society, Fellows:—

The resolutions adopted by the Medico-Legal Society, on the 30th of January last, hereto attached, express the general public sentiment in this country.

The committee named as a memorial committee, at the time the resolutions were adopted, has been changed slightly. Hon. L. A. Emery, of the Supreme Bench of Maine, and Hon. Charles G. Garrison, of the Supreme Bench of New Jersey, were unable to give the requisite time for a careful examination of all the evidence, which was voluminous, and were at their own request excused from serving on the committee, and Hon. W. H. Francis, late Uuited States Justice of the Supreme Court of Dakota Territory, and the Hon. Conway W. Noble, late Judge of the Common Pleas of Cuyahoga Co., Ohio, were appointed in their stead, and the Hon. Jas. L. Bennett, ex-United States District Attorney for the Eastern District of New York, under President Cleveland, was added to the committee.

It is now composed as follows :

Clark Bell, Esq., LL. D., President International Con-

gress, and ex-President of the Medico-Legal Society, Chairman.

Jas. L. Bennett, ex-United States District Attorney for the Eastern District of New York.

Abram H. Daily, ex-Surrogate King's County, and ex-President Medico-Legal Society.

A. J. Dittenhoeffer, ex-Judge New York Common Pleas.

W. H. Francis, ex-Justice United States Supreme Court of Territory of Dakota.

Michael J. Hirschberg, Justice Supreme Court State of New York.

Conway W. Noble, ex-Judge Court of Common Pleas of Ohio.

Pardon C. Tillinghast, Justice Supreme Court of Rhode Island.

This committee has completed the memorial to be presented to Sir Matthew White Ridley, Home Secretary for England, and they are collecting the opinions of chemists, toxicologists and medico-legal jurists, who have examined all the evidence in the case before the magistrate, at the inquest, upon the trial, the charge of the trial judge, Sir James Fitz James Stephen, and such of the subsequent evidence laid before the Home Secretary as has been made public, on which they base their opinions upon the case, for the use of the Memorial Committee, to be forwarded to the Home Secretary for England in support of the memorial.

The chairman of the committee, on the completion of the memorial, asked permission of the President of the United States to forward it through government channels to the Hon. Joseph H. Choate, American Ambassador in London, for presentation.

Col. John Hay, the American Secretary of State, informed the committee that this request was granted, and

the memorial was sent through the American Secretary of State in May, to be followed by the later documents and petitions, the form of which has been approved by the committee.

As many thousands of petitions from Americans have already been filed with the English Home Secretary, praying for the release of Mrs. Maybrick, including that of President McKinley, and every member of the American Cabinet, when Mr. Blaine was Secretary of State, senators of the United States, and high public officials, the committee decided not to ask for or forward general petitions, as a part of its labor, but to have organizations, members of the Medico-Legal Society who desired to do so, and a few names accompany the papers attached to the petition, the language of which is as follows:

To the Gracious and Illustrious Queen of the United Kingdom of Great Britain and Ireland and Empress of India.

The Petition and earnest request of the undersigned citizens of the United States of America, and others resident therein, on behalf of FLORENCE ELIZABETH MAYBRICK, a native of the United States, at present confined under the sentence of penal servitude for life in prison in England.

That your Petitioners have always cherished and entertained towards yourself warm feelings of regard and admiration.

That it is their desire that friendship and mutual good feeling should ever exist between the two great English-speaking Nations.

That they have watched with great interest, the trial of Florence Elizabeth Maybrick, their country woman, and the events which have followed it; that they entertain grave doubts, shared in, as they believe by High Authority and by many in England, that the verdict of Guilty against her was not warranted by the evidence; that the sentence of penal servitude for life substituted for the death penalty, was and is being inflicted, for an offence of which she was not proven guilty; that they desire to urge with all its force the consideration that the unhappy woman has now suffered the rigor of imprisonment for nearly ten years; that they have no desire to impute anything against British Law; that they ask with deep respect, and rely with confidence upon the mercy of the noble Queen of Britain, to exercise the Royal prerogative, so grateful to her own heart, and release the unhappy one, to the arms of her sorrowing old mother, whose only surviving child she is. And your petitioners will ever pray that peace and happiness attend you.

The Memorial Committee have been authorized by the

Executive Committee of the Medico-Legal Society, to take the views and opinions of prominent jurists, chemists and other members of the body, in furtherance of the work and endorsement of the action, and if time permits, the committee will avail itself of this action, which, however, involves a careful examination of the complete evidence and the judge's charge, and necessitates delay.

It has been most difficult to obtain copies of the evidence enough to make its examination possible to the various members of the committee so widely scattered, and to jurists and medico-legal experts. Messrs. Lumley & Lumley, of London; Mrs. Riggs, of Liverpool; W. H. S. Monck, of Dublin; Mr. Alexander W. MacDougall, of London; The Baroness de Roques, mother of Mrs. Maybrick, now at Rouen, France; Ida Trafford Bell, Dr. Helen Densmore, Mrs. Caroline J. Taylor, Mr. Heathcote Hardinge, of London, the Hon. John Hay, Secretary of State, and the late Lord Chief Justice Russell, of Killoween, are the names of some of the many to whom the committee are under great obligations for kindly aid and assistance in securing copies of the evidence, for the use of the committee, and the others who have examined the same.

The first instalments of additional documents, to accompany or rather follow the memorial, were sent early in June, and others during this month. These will be followed later by others as soon as they can be prepared and arranged for transmission.

The committee do not feel at liberty, pending the action of the English Government upon the memorial, to publish any part of the text of the memorial, or of the papers sent forward for the consideration of Her Majesty's Home Secretary, nor the names of those who have given their opinions upon the case.

The American Ambassador, Hon. Joseph H. Choate is

giving this movement his most powerful aid and support.

It is hoped that this effort, which has the sympathy of the American Government and people, may be crowned by success.

At the Annual Dinner of the Medico-Legal Society, held January 30, 1899, Mr. Clark Bell offered the following preamble and resolution, which were duly seconded and unanimously adopted:

WHEREAS, The English Home Secretary commuted the sentence of death pronounced against Florence E. Maybrick, for the alleged murder of her husband, by poison, to imprisonment, during Her Majesty's pleasure for the alleged reason "that the evidence did not wholly exclude a reasonable doubt whether his death was in fact caused by the administration of arsenic," which action was upon the advice of the trial judge, who shared the doubt entertained by the Home Secretary, as the reason for the action, and

WHEREAS, We believe, that if the jury who tried her, had entertained the same doubt, as to her guilt of the crime charged as induced the Home Secretary, to commute the sentence, it would have been their duty, if properly instructed, under the law of England, to have acquitted her on the trial, as it was their clear duty to have done, upon all the evidence in the case in our opinion, and

WHEREAS, From a careful examination of the evidence, it is in our opinion not only probable, but quite certain, that Mr. Maybrick's death, was not in fact due to arsenic at all, but to other causes and

WHEREAS, It is the opinion of many British counsel of eminence, who have carefully examined the evidence upon the trial, among whom is the Lord Chief Justice of England, that she was not guilty of the crime for which she was indicted and tried and shou'd therefore be released, and

WHEREAS, The belief in her innocence of the crime for which she was tried and condemned, is almost universal among her American countrymen, which belief is shared by a very large number of the people of the British Islands, where she is and has been for more than nine years confined in an English prison, and

WHEREAS, The request of the President of the United States, who deems her innocent of the crime for which she was tried and condemned, for her release as an act of international comity, has been refused by the English government, and

WHEREAS, Her long, and as we believe, unjust imprisonment is a source of irritation in America, and a hindrance to that complete and hearty feeling of amity and friendship that is felt in the American states towards England, and which we believed is shared by a large number of the people of Great Britain, and

WHEREAS, We believe that her release would greatly tend to cement and establish a more perfect and sincere friendship between the two countries, therefore be it

Resolved, That a committee of seven be named by the Chair, whose duty it shall be to memorialize Her Majesty, the Queen of England, through the Home Secretary of Great Britain urging her release, with power to said committee to call for the signature of others to petitions, praying for her pardon and release from her present imprisonment.

The Committee is composed as follows: Clark Bell, Chairman, of the bar of New York City; ex-Judge Conway W. Noble, of the Ohio Common Pleas; ex-Judge Wm. H. Francis, U. S. Supreme Court, Territory of Dakota; Judge Michael H. Hirschberg, of the Supreme Court of New York; Judge Pardon E. Tillinghast, of the Supreme Court of Rhode Island; ex-Judge Abram H. Dailey, of Brooklyn, N. Y.; ex-Judge A. J. Dittenhoefer, 96 Broadway, New York City, and ex-United States District Attorney Jas. L. Bennett, Eastern District of New York.

In behalf of the committee.

CLARK BELL, Chairman.

MEMORIAL OF SELECT COMMITTEE OF THE MEDICO-LEGAL SOCIETY OF NEW YORK.

To the Hon. Sir Matthew White Ridley, Home Secretary for England.

HONORED SIR:

The undersigned a Committee named by a Resolution unanimously adopted by the Medico-Legal Society of New York, on the 30th of January, 1899, of which a copy is herewith sent you, beg to submit for your consideration, some reasons which as it seems, after a careful examination of all the evidence, produced upon the trial, the charge of the trial justice, and such of the subsequent evidence, laid before the Home Office as has been made public, should influence you to recommend to Her Majesty the Queen of Great Britain, that executive clemency should be extended to Mrs. Florence E. Maybrick now in prison in England.

1. A careful examination of the whole case shows the the following array of facts that must be conceded as unquestioned and about which there can be no doubt or occasion for contention.

(1) That to justify a verdict of guilty by the jury, of

the crime charged it must be established by the evidence beyond a reasonable doubt:

a. That the death of Mr. Maybrick was occasioned by arsenic.

b. That it was administered to him by Mrs. Maybrick for the purpose and with the intent to produce his death.

c. That the arsenic by her so administered for the purpose of causing his death, did in fact kill him and was the direct cause of his death.

d. That if on the whole evidence in the case each and every one of these facts were not established by competent evidence, beyond a reasonable doubt, that it was the duty of the jury to acquit the accused.

2. That at the trial, while there was evidence to show that Mr. Maybrick had taken arsenic medicinally at Norfolk, Va., some years before his death and of dosing himself with medicines of very powerful and dangerous nature, including arsenic; the fact was not clearly established before the court and jury, beyond question or reasonable doubt, that he was at and shortly before his death an habitual arsenic eater. That this while it may have been contended for the defense it was not conceded by the crown, believed by the court or jury, nor considered as an existing fact by Dr. Thomas Stevenson, the leading medical expert for the crown.

3. That the finding of the jury without doubt or question, rested upon the charge of the judge, and mainly upon the evidence of Dr. Thomas Stevenson who, while he did not know the deceased, and knew nothing of the facts of the case, of his own knowledge, gave his opinion in evidence based upon the testimony of the several witnesses for the crown, in which he distinctly and positively swore that the death was in his opinion caused by arsenic. That this opinion was given before the distinguished

medical men were sworn for the defense, and that he was not called, or sworn after Drs. Tidy, McNamara and Paul had testified, nor was his opinion asked as to any of the evidence or propositions or opinions given by them.

That it is clear that in forming his opinion, the circumstances of:

a. The various poisons administered to Mr. Maybrick by the physicians who treated him for what they supposed to be gastro-enteritis without any idea or even suspicion of arsenical poisoning at the time these remedies were given him.

b. Nor any consideration of Mr. Maybrick's addiction to the habitual use of arsenic.

c. Nor his proven habit of dosing himself with strong drugs as described in the evidence about which there was no contention, which were not considered or assumed to be facts, but that on the contrary all these considerations were eliminated from Dr. Stevenson's mind in forming his opinions, and that none of these alleged facts as claimed by the defense were assumed or even considered by Dr. Stevenson in reaching his conclusions.

4. That the evidence in the case, that the death was due to arsenic, was mainly that of Dr. Stevenson's expert opinion, on the side of the crown and the evidence of the three medical experts, Drs. Tidy, McNamara and Paul, who swore positively and unqualifiedly that in their opinion the death was not due to arsenic at all, but to other and natural causes.

5. That while Dr. Stevenson's eminence in the profession was high, it was not greater than the distinguished gentlemen who were called for the prisoner; and that while the preponderance of medical evidence for the defense outweighed that for the crown, only by reason of the number and high standing and character of the medical

men, it could not be claimed, that it should conclude the jury, from accepting the opinion of Dr. Stevenson and if they believed it to be entitled to greater weight.

6. That to reach the verdict which the jury found, they had to wholly ignore and disregard the evidence of these eminent gentlemen, and if they were properly instructed by the court, they were compelled to find, in conflict and against their evidence, that the proof that the death was due to arsenic was so conclusive and overwhelming that it left no reasonable doubt in their minds upon that question.

7. That had the jury found that the medical evidence of the defence, raised in the minds of the jury a reasonable doubt whether the death was due to arsenic or not, and on such finding a verdict of not guilty been rendered, it would have been justified by the evidence as well as by the weight of the evidence, which would have been true. Also in case a similar reasonable doubt as to whether she had administered it, or as to whether it was administered for the purpose and with the intent to kill, the same result would have been justified by the evidence given.

We therefore unite in the opinion after a careful examination of all the evidence in the case.

1. That it was the duty of the jury to have found upon the evidence in the case as the Home Secretary subsequently found, that there was a reasonable doubt whether the death was due to arsenic and to have given the accused the benefit of that doubt by an acquittal.

2. We unite in the opinion in which we hope you will concur, that the verdict of the jury on this branch of the case, is against the weight of evidence in the case and against law.

3. Upon the second ground, that it must be shown by the evidence beyond a reasonable doubt, not only that the

death was caused by arsenic, but that it must in addition be also proved conclusively by positive evidence in the case beyond a reasonable doubt, that the arsenic which caused her death was administered by Mrs. Maybrick for the purpose and with intent to murder him.

4. We unite in the opinion from a careful examination of the evidence, that there was a failure of proof by the crown to support such a finding by the jury.

a. There was not sufficient evidence to warrant the jury in finding that the prisoner administered the arsenic from which the deceased was found to have died according to the verdict of the jury.

b. While the jury would have been warranted in considering circumstantial evidence tending to support such a contention it must be of a positive and undoubted and unanswerable character.

It is not within the proper province of the jury to infer or imagine that the poison was administered by the prisoner to Mr. Maybrick in sufficient quantity to kill and with intent to kill, and that it did actually kill the deceased upon circumstances alone.

As a matter of law and as a matter of fact we are united in the opinion that there was not sufficient evidence presented to the jury, to sustain a verdict finding that she actually did administer sufficient arsenic to the deceased to kill him, and that it did actually kill him, and we unite in the opinion that the verdict of the jury on this branch of the case, was not only against the weight of the evidence, but that there was not evidence given in the case, to sustain the verdict rendered by the jury on this ground.

c. If the evidence in the case was not so absolute and positive and conclusive, as to have proven beyond a reasonable doubt that she actually did administer sufficient arsenic to kill him, which did kill him, and which she

was shown to have given him with intent and purpose to kill, then it was the duty of the jury under the law of England to acquit the prisoner.

d. If the evidence had shown conclusively beyond a reasonable doubt, that she made an attempt to kill the deceased by administering arsenic; which was unsuccessful and that the arsenic she administered had not actually killed him; which we unite in believing the evidence does not justify or warrant; then even in that case we unite in the opinion that the jury would not have been justified in finding her guilty, because:

(1) She was not indicted or tried for the offense of an attempt to kill, and

(2) The evidence would not have sustained such a verdict, and

(3) Such a verdict would have been clearly against law and all the evidence in the case.

e. That the said evidence did not establish as a fact, that Florence M. Maybrick ever administered any arsenic to her husband.

8. If the language of Lord Salisbury in reference and in response to an American petition, for the release of Mrs. Maybrick; in which he says: "Taking the most lenient view which the facts proved in evidence and known to Her Majesty's Secretary of State, admit, of etc., etc.," refers to any statements made in the nature of evidence, laid before the Home Secretary, since the trial, which has not thus far been made public, otherwise than in this utterance of his Lordship we then take the liberty of urging; that the judgment of her Majesty's Secretary of State, ought not to be affected, against the prisoner, by statements, even if verified, made since the trial; because until they have been tested, by cross-examination in open Court, in the presence of the prisoner, they are not proven facts;

and if a Home Secretary should allow himself to use such sworn statements as evidence against a prisoner, it would raise the same question in England that has been raised by the judgment of mankind everywhere, against such a course in the case of Dreyfus in France.

9. When you consider that your predecessor Mr. Matthew has announced that he had advised her Majesty the Queen, to respite the capital sentence pronounced against Mrs. Maybrick and to commute the punishment to penal servitude for life, for the alleged reason that "Inasmuch as, although the evidence leads clearly to the conclusion that the prisoner administered and attempted to administer arsenic to her husband, with intent to murder, yet it does not wholly exclude a reasonable doubt, whether his death was in fact caused by the administration of arsenic."

When you recall that Lord Salisbury in his reply to the American Ambassador, Mr. Lincoln, which was reported by Mr. Lincoln to the American Government; in an interview where Mr. Lincoln had pressed upon his lordship the desire of the American Government and people for the pardon and release of their country-woman, whom they believed to be innocent of the crime, for which she was tried and convicted, that his Lordship replied to the American Ambassador:

"That the subject had been anxiously considered, and that he believed he could say; that the death sentence would not be executed, as all the medical evidence attainable left a reasonable doubt, as to the death having been caused by the arsenic administered by Mrs. Maybrick."

When you consider that the small amount of arsenic found by the post-mortem establishes as a fact, that, not only is it doubtful but well-nigh certain, that the death was not due to arsenic but probably to other causes, which a careful examination of all the evidence, compels us to

believe; we respectfully submit, that it becomes your duty to advise her Majesty to release the prisoner.

We quote from the published statement made by Dr. Charles Meymott Tidy, M. B., F. C. S., and Professor Rawdon MacNamara, in London, in 1890, after the trial, which coming from men than whom no authority in England at that time was higher, should be laid before you as the pamphlet was not a part of the evidence they gave on the trial, but was subsequently published by them to the world and has greatly impressed the public mind.

(1) As a preface to their pamphlet they say:

"The authors of this paper decided to allow all popular feeling on the Maybrick trial to die out before stating their views of the case."

"They take upon themselves the responsibility of having advised counsel a course they in no way regret, that there was no evidence to show that James Maybrick died from the effects of arsenic."

We do not copy their able pamphlet of 30 pages making a careful analysis of the evidence which in the judgment of many of the ablest chemists and analyists of the world fully justified their conclusions, but page 30 of their report, which we cite, viz:

"Our toxicological studies have led us to the three following conclusions:

(1) "That the symptoms from which Maybrick suffered are consistent with any form of acute dyspepsia; but that they absolutely point away, rather than towards arsenic, as the cause of such dyspeptic condition.

(2) "That the post-mortem appearances are indications of inflammation; but they emphatically point away from arsenic as the cause of death.

(3) "That the analysis fails to find more than one-twentieth part of a fatal dose of arsenic, and that the

quantity so found is perfectly consistent with its medicinal ingestion."

10. In our judgment, after a careful examination of the charge of the trial judge to the jury, it is our opinion, that a new trial would have been granted to the accused had the case, evidence and charge of the trial judge, been allowed to come before the High Court for Crown Cases reserved in England; for errors of law in the charge of the judge as well as for failure of evidence to sustain the indictment for murder in the first degree or to sustain the verdict as rendered.

We are of the opinion that if the case had come up for review on appeal according to the practice in the American States, upon the evidence given on the trial and the judge's charge, in a precisely similar case tried here, that the verdict of the jury would have been reversed, as against the evidence and the law, in every State in the American Union, or the British Provinces in the Dominion of Canada.

11. As an insuperable legal objection to the further imprisonment of Mrs. Maybrick by the English Government we can best illustrate our view of the illegality of her retention under English law than to ask you the following questions:

"For what crime is Mrs. Maybrick now undergoing punishment?

"Under what legal process under the English law is she now detained is prison?"

a. We believe and we have no doubt you also believe and concede that Mr. Matthew was not doing wrong when he advised her Majesty, the Queen, that from the evidence in the case there was left a reasonable doubt whether arsenic was the cause of death of Mr. Maybrick.

b. It would have been an ineffacable disgrace to Eng-

land, to have carried out the sentence of the court sentencing her to death with such doubt existing as to her guilt.

c. In any court in Christendom, if it be conceded that upon the evidence a reasonable doubt exists, as to the guilt of the accused, the prisoner is entitled to the benefit of that doubt, and to an instant acquittal.

d. If you concur with Mr. Matthew that such a reasonable doubt as to the death of Mr. Maybrick being due to arsenic exists, and did exist, not only in the mind of the Home Secretary, but in that of the trial justice, is it not true that it was the duty of the jury to have given the accused the benefit of that doubt on the trial and to have acquitted her? She was indicted, tried and convicted for murder in the first degree under the charge that the death was due to arsenical poisoning. The judge so plainly stated in his charge. Can it be legally claimed that she can be held, in the language of the Home Minister announcing the commutation of the sentence, "because the evidence leads clearly to the conclusion that the prisoner administered and attempted to administer arsenic to her husband with intent to murder, yet it does not wholly exclude a reasonable doubt, whether his death was in fact caused by the administration of arsenic"?

e. Mrs. Maybrick was not indicted nor was she tried nor convicted for "administering or attempting to administer arsenic to her husband with intent to murder." She has never been indicted for that offence nor upon that charge. She has never been tried on that charge. She should have her day in court and a fair trial before the government has the right to hold her in prison on such a charge.

f. We are clear in the opinion, that the fact being conceded by the Home Secretary that a reasonable doubt existed at the time of the trial whether Mr. Maybrick's

death was in fact caused by arsenic, and the sentence commuted on that ground, and for that alleged reason, her detention in prison for "the alleged administration of, or attempt to administer arsenic, to her husband with intent to murder," an offence for which she has never been either indicted or tried, is in violation of the elementary principles of the law of both England and America.

12. We realize the delicacy of making any report or intruding our opinions upon you, as to the case, or to seek to interfere with the ordinary course of criminal procedure in another country, under the rules of which an American lady has been tried and condemned; but we submit some considerations aside from those more strictly legal in character to your Lordship.

a. There is no tribunal in England before whom any errors of law by the court or jury, if any were committed, could be remedied or reviewed, no appeal to any tribunal exists in your country.

b. The office of the Home Secretary is an ancient and honorable one and is a part of your system of criminal procedure in England, which we do not even criticise and in which we find much to admire.

13. The English Home Office in its working and operation stands on a higher plane, so far as the element of mercy goes in the exercise of the pardoning power, than does any court of appeals sitting in review in any country in the world.

A high court, even "The Court of Crown Cases Reserved," had this cause gone there, would have been able only to consider questions of errors of law in the charge of the judge or the admission of evidence, or whether the weight of the evidence supported and justified the verdict.

Even that high court would not have the power for one moment to consider the question of mercy, and would have

been compelled under your system to have sustained the verdict, if no principles of law have been violated or disregarded by the court or jury.

While you have all the powers that the High Court for Crown Cases Reserved could exercise, had this case been sent there for review, you have also additional powers, and you are expected and authorized to advise her Majesty, the Queen, to use the Royal prerogative of mercy; even when you know that the prisoner is guilty, and when no doubt at all exists upon the question of guilt, if you chose to do so. The exercise of the pardoning power is predicated upon the assumed guilt. The pardon is always based upon conceded guilt, and it is the supremest quality of mercy to even the guilty, that under the British Constitution it is one of the Royal prerogatives granted and vested in she who sits on the throne of England. Under the American Constitution, the same power is vested in the Executive head of the nation, and the President of the United States is vested and clothed with the same power of pardon and forgiveness, for all crimes committed against the laws of the country, and this is true of the pardoning power, in all countries and among all peoples.

You, sir, are responsible to no human tribunal, no court nor power can review your action.

You, under the British Constitution, are responsible alone to your own conscience, your sense of justice, your own conviction and to the public opinion of your countrymen.

It is true of the English system, that under it you are the guardian of the public confidence and conscience, and that it has been the province and usually the pleasure o the English Home Secretaries to listen to the public sentiment of the people. Beyond that no power can reach you, only your own conscience, and above that, the Supreme

Ruler of the universe alone, can correct your errors, or mistakes, which we believe would never be of the heart and only of the judgment, should they occur.

You are clothed by the English Constitution with the power of advising her Majesty to pardon, even in cases where guilt is beyond doubt; and pardon has been often granted by the English throne on the recommendation of her Majesty's secretary where guilt was undoubted and conceded.

a. Your predecessor, Mr. Asquith, in giving his views on July 10th, at Lumsden Memorial Hall, in a public meeting, as to the powers and responsibilities of the Home Secretary, made use of the following language: "That as in every criminal case that came before him, he carefully examined and considered the case of Mrs. Maybrick. He did not feel bound by the decisions of his predecessors in office. He brought to bear upon the case such judgment as he possessed, and he decided it honestly, conscientiously and absolutely impartially."

We cite this utterance from this eminent man to show you by a high authority, that you are not bound by the decisions of your predecessors in office, and that the responsibility now rests wholly and only upon you.

14. There are very powerful and urgent reasons which in our opinion should strongly influence you in exerting your influence, for the pardon of this lady, even if you believed her guilty, which we cannot believe possible. Among these considerations for the free pardon of Florence E. Maybrick, wholly outside of the question of her guilt or her innocence, we submit the following:

a. The accused is an American citizen and the public belief in her innocence in America is so general, that the Hon. William McKinley, the President of the United States, has gone so far as to ask for her release, as an act

of international comity entirely outside of the question of her guilt or her innocence.

b. The Hon. James G. Blaine, Secretary of State of the American Government under the Presidency of Hon. Benjamin Harrison, threw the whole weight of his personal and official influence in favor of her pardon and release in the years following her conviction before and after the commutation of her sentence.

The petitions which that American official caused to be prepared and forwarded to her Majesty, the Queen, through your office, were as follows:

1. By the wife of the President of the United States, the wife of the Secretary of State and the wives of other members of the American Cabinet at that time.

2. Also a petition signed by every member of the American Cabinet under President Harrison's administration, by senators of the United States and men of the highest standing in the American nation, all asserting their belief in her innocence and asking for her release.

3. The Hon. John W. Foster, when Secretary of State, through the American Minister at the Court of St. James, made urgent and strong recommendations for her release.

4. During the administration of President Cleveland, strong reasons were urged upon the English Home office by the representative of the American Government, for the release of Mrs. Maybrick, in response to a general belief in her innocence in the United States of America and an almost universal feeling of sympathy for her long continued imprisonment.

5. President Cleveland, in obedience to a resolution of the American Congress, passed on the 9th of April, 1896, on the 30th of April, 1896, submitted a message to the American Congress giving the correspondence on file in the American State Department up to that date relating

to the case of Florence E. Maybrick, to which your attention is called and which is set out at length in document No. 370 of the American Congress, first session of the Fifty-Fourth Congress, a copy of which message and documents are, as we are informed, filed with the English Home Office, and if not filed, we cite them in this memorial to you.

We also have the honor to cite Senate document No. 224 presented in the Senate of the United States by Mr. Senator Call on April 20th, 1896, in the first session of the Fifty-fourth American Congress, being a brief and a petition to the President of the United States for governmental intervention in behalf of Mrs. Florence E. Maybrick, which was received by that body and ordered to be printed, of which we are advised a copy is on file in the English Home Office and which with the papers accompanying the same we cite, and in case it is not filed, and we are advised we will furnish a copy for your use.

6. We refer to the attitude of the American government in each administration which has followed the trial of Mrs. Maybrick, and ask you to carefully weigh it in your mind. It should influence your action, because Lord Salisbury has explained to our government, that under the constitution and laws of England the opinion of Her Majesty's ministers have no weight or power over you. You stand in the same position in such a case as would the President of the United States, except, that he has the pardoning power which you do not in fact have, but that the queen herself cannot pardon, except on your advice, and we believe that in the exercise of such a great power you would welcome from any source, any suggestion which should have weight on the case you are to consider. And we refer with pride and pleasure to the fact that President Lincoln once pardoned a British officer on the request of

the English government, where he knew he was guilty, as an act of comity, which you now have the right to consider in reciprocal action, if you choose so to do.

c. It is well known that the Lord Chief Justice of England, Lord Russell of Killoween, who conducted her defense as Sir Charles Russell, then a leader at the British bar, has strongly urged upon the Home Office the propriety of her release, both before he came to the bench and since.

d. The prisoner, a lady of delicate health and frail organization, has already served a term of nearly ten years in an English prison. She has the record of a star prisoner for good conduct. This we are informed is the longest period of service which has been endured by a woman in an English prison in our day on any charge. Her property has been taken away from her entirely, and she is absolutely penniless. If she is innocent of the crime charged; and it seems conceded that she has not been proven guilty beyond a reasonable doubt, she deserves the universal sympathy of man and womankind.

An impression has obtained in America that it was the usage of the English Home Office to recommend pardons, at certain fixed intervals of time, in cases where guilt was undisputed, after long periods of imprisonment had been served by the condemned, of which we could cite instances but with which we are sure you are familiar.

It has been stated in America, on high authority, in recent years, that appeals to the Home Secretary would not aid in the release of Mrs. Maybrick, and her American friends and sympathizers have been asked to wait; and it was confidently believed by a large number of our countrymen that Mrs. Maybrick's name would be among those liberated on the occasion of Her Majesty's jubilee.

These hopes have not been realized.

We submit that her imprisonment has now continued for a longer period than would have been enforced against any lady of similar social position, who had been tried and convicted of an attempt to poison her husband, under the rules and usages of English law.

If your lordship concurs in the action of your predecessor who commuted the sentence in this case, and in holding her, for the alleged crime of an attempt to poison, we then submit that she has now been too long imprisoned under the usages of your own criminal system, and that she as a star prisoner is now entitled to her release on account of the duration of her imprisonment.

f. The Brierly incident also enters, as we believe, improperly, both in the charge of the trial judge and the verdict of the jury.

We are of the opinion that no one can arise from a careful consideration of this case, without being painfully impressed with the belief that this incident was really the controlling reason, both with the trial judge and the jury, for the verdict that was rendered. It is based, as we understand it, on a single act. There is no evidence tending even to show any but the one lapse, and this under circumstances which entitled her to commiseration, if not sympathy. Mr. Maybrick had a mistress and he beat his wife. These two facts are undisputed, and while they may not have furnished her adequate motive for his removal, would have been provocations which any American lady of breeding would have found it difficult to have ignored. Certainly this incident as disclosed by the evidence and the subsequent affidavit of his own, should not have established an adequate motive for murder.

The charge of the trial judge must have influenced the jury improperly on this branch of the case. Adultery is not punishable with death under the laws of England, as

it was in Judea, when the Saviour of mankind met the woman taken in the act and confounded her accusers.

If Mrs. Maybrick sinned, once in all her life, with Brierly, she has suffered a terrible punishment.

We feel that you would prefer to say with Christ, "Go and sin no more, neither do I condemn thee," than to add one hour more to that terrible punishment which she has so long and so patiently borne, every hour stoutly asserting her innocence of the crime charged.

15. The present moment is propitious for the release of this unfortunate lady, for high reasons, as an act of International comity, between two great peoples united by a common language and lineage. Our countries are responsible now as never before for the advancement of the civilization of the races of the world, not yet fully fitted for self-government, more than all other nations combined, which the progress of events in the destiny of the races of mankind has brought to the doors of both your country and our own.

Blood is thicker than water, and every cause of irritation between these two countries should be speedily effaced, and that complete and full unification of our peoples, so greatly desired in America, and as we believe in England, quickly consummated.

To pardon the accused, even if guilty, would not detract one iota from that wealth of merciful kindness and goodness which has shed a halo upon the crown of England.

CLARK BELL, Esq., LL. D., President International Congress and ex-President of the Medico-Legal Society. Chairman;

JAS. L. BENNETT, ex-United States District Attorney for the Eastern District of New York.

ABRAM H. DAILEY, ex-Surrogate King's County and ex-President Medico-Legal Soc.

A. J. DITTENHŒFFER, ex-Judge New York Common Pleas.

W. H. FRANCIS, ex-Justice United States Supreme Court of Territory of Dakota.
MICHAEL J. HIRSCHBERG, Justice Supreme Court State of New York.
CONWAY W. NOBLE, ex-Judge Court of Common Pleas of Ohio.

[*To be continued in our next.*]

[We regret that the pressure on our columns prevents the publication of the remaining papers accompanying the Report of the Memorial Committee in this number.]

PROGRESS OF MEDICAL JURISPRUDENCE IN THE NINETEENTH CENTURY.

BY CLARK BELL, L. L. D., PRESIDENT MEDICO-LEGAL SOCIETY.

[*Continued from Vol. VI page 400.*]

The following communications were received by me after my paper was in part published in the June number of the Medico Legal Journal. I submit them as a suitable closing to the inquiry made in my opening paper.

The following letter was received in response to my letter of inquiry from Clarence A. Lightner, lecturer on Medical Jurisprudence, and a prominent member of the Detroit bar:

DETROIT, June 9th, 1900.

Mr. Clark Bell, No. 39 Broadway, New York, N. Y.

MY DEAR SIR: I received a day or two since your note of the 4th inst. asking for my views in regard to the progress of Medical Jurisprudence during the nineteenth century, and I am pleased to give you any suggestions in the matter which occur to me. Of course, I cannot speak of any other than our country in this respect and I must admit a lack of definite information even in this particular.

Answering your second question first, I would be of the opinion that the Medico-Legal Society of New York, which is largely personified in Clark Bell, Esq., has been the most important factor in the progress of the science in this country during the past quarter century.

Improvements or advances in this science have been so irregular and also so local that, in my judgment, it is difficult to mention any one item in which there has been a general decided progress. It seems to me that perhaps the following items deserve particular mention, viz: (1) Legislation improving the Coroner's office and duties, and (2) legislation regarding the criminal (so-called) insane.

As far as my knowledge goes, the State of Massachusetts is the first both in time and in the character of the legislation to make an advance in the first item. I think that the legislation of that State whereby the common law duties of a Coroner have been entrusted to the joint action of a Judge of one of the Superior Courts and an experienced medical examiner is perhaps the most important single piece of legislation in connection with Medical Jurisprudence in this country. Connecticut and New Jersey have, as I recollect, enacted legislation of a similar character

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of New York,
Vice.-Pres. Med.-Leg. Cong.

FRED'K L. HOFFMAN, F. S. S.,
of New Jersey,
Author and Sociologist.

and you will be more familiar than I with the efforts in New York to accomplish the same. It is a misfortune that nothing in this direction has been done in the majority of our States.

Legislation having in view the proper restraint and care of the criminal insane has been passed in many of the States during the past decade or more, and I cannot mention a branch of the law, having to do with Medical Jurisprudence, in which there was, and in fact now is, so much need for improvement.

Very little has been done towards preventing the increase in the criminal classes and this is rather a subject for future improvement than of present history. In this connection, I call your attention to the act which was passed by the last legislature of Michigan (being act No. 247 on p. 387 of the Session Laws of 1899) which makes it a misdemeanor for certain persons viz: those afflicted with certain diseases, to marry. This act has perhaps caused some merriment in certain quarters and I cannot perhaps give it my unqualified approval, but the act is directed at an evil which calls for legislative remedy.

I congratulate you upon your appointment as delegate to the Congress to be held this year at Paris and I am very glad, both on your own account and also in the interest of Medical Jurisprudence, that you are able to accept the appointment.

Sincerely yours,
CLARENCE A. LIGHTNER.

Dr. F. W. Draper is at the moment one of the most prominent and advanced Medico Legal jurists and experts in Massachusetts. His reply was as follows:

BOSTON, Mass., June 10th, 1900.

Clark Bell, Esq., President of Medico-Legal Society and U. S. Delegate to International Medical Congress, Paris Exposition.

DEAR SIR: 1. In my opinion "the most important and notable advance in Forensic Medicine during the nineteenth century" was the revolution in the views of the legal and medical professions relative to mental disease in its relation to crime.

2. The most important factor in the progress of Medical Jurisprudence in the nineteenth century has been progress in medical education in general.

F. W. DRAPER.

Dr. C. B. Burr is secretary of the American Medico Psychological Association of the United States of America, and an alienist of experience and high position in regard to the Medical Jurisprudence of Insanity, and is Medical Director of a hospital for nervous and mental diseases at Flint, Michigan. I enclose his reply:

FLINT, Mich., June 11, 1900.

Clark Bell, Esq.

DEAR SIR: Your letter of the 6th inst. is received. I feel it difficult to express an opinion upon the "most important and notable advance

in forensic medicine during the nineteenth century" but if I were to limit my reply to advances in medical jurisprudence of insanity in recent years, I should say that the increasing tendency to refer cases of alleged insanity to a commission of medical experts to advise the court has been one of the most beneficent reforms.

With kind regards, believe me,

Very truly yours,

C. B. BURR,

Dr. P. H. Bryce is secretary of the Provincial Board of Health of Toronto, Ontario, in the Dominion of Canada, and one of the most prominent sanitarians of that Dominion. His reply is as follows:

TORONTO, June 14th, 1900.

DEAR DOCTOR: Enclosed please find corrected proof of remarks. Regarding the progress of Forensic Medicine in America, during the century, it seems to me that the greatest progress has been in those cases in which the part played by the nervous system, as affected by heredity, education, environment and disease, becomes the dominant question in determining the criminal quality of any action. It appears to me that the law, based as it is upon conceptions and forms of thought from previous centuries, is in many particulars very far behind present day needs. It is like a creed of the sixteenth century, to which minds of nineteenth century growth are expected to conform. Until jurists become physiologists and psychologists, I conceive that law in its deductions and judgments will but poorly represent justice; and I think that it is owing to this that there is a growing uncertainty and indifference as to what evidence is, and as a consequence an equal uncertainty as to what the outcome of the judgment in any case based upon evidence will be.

I trust, however, that all will be threshed out at your great Medical Congress in Paris, to which you are going, and which I trust you will greatly enjoy. Yours very sincerely,

P. H. BRYCE,
Secretary.

The views I have submitted from so widely diversified range of observers and scientists, may I trust prove of use and benefit. At all events, to the students of the twentieth century, as it advances, they must as the years pass possess a certain intent.

Dr. W. W. Ireland is a high literary authority in the domain of Mental Medicine, as well as one of the leading experts of Scotland. His answer was as follows:

VICTORIA TERRACE, MUSSELBURGH, July 11, 1900.

DEAR DOCTOR CLARK BELL: The most notable advance in legal

medicine seems to me the discoveries in anesthetical chemistry whereby poisons may be detected. How greatly has chemistry, which as a real science is little more than a century old, helped theraputic and all the industrial arts, even astronomy. The new edition of "The Mental Affections of Children" now out.

Faithfully yours,

W. W. IRELAND, M. D.

"RAILWAY SURGERY IN AMERICA."

BY CLARK BELL, ESQ., LL. D.,
President International Medico-Legal Congress of New York, 1889; President Medico-Legal Society of New York; Delegate from the United States to the International Medical Congress of Paris, 1900.

The most important discovery of the 19th Century beyond question was that of steam and motor power.

Without detracting from the enormous value of steam in marine navigation, its discovery resulted in the locomotive and the railway, which became, in a new country like America, the most important factor in the developmen and growth of a great nation.

Beginning near the end of the first third of the century our first railway was built in 1829, but it was 1832 and 1833 before the stage coach and the packet boat on the canal gave way to the Iron Horse. To-day in the United States of America there are nearly 200,000 miles of completed railway in operation, which added to those of the Dominion of Canada and Mexico would place the railways of the continent of North America far exceeding those of the rest of the habitable globe in length.

In the United States of America more than 875,000 men are employed in their management and operation—an army trained to be skilled in this domain of human endeavor.*

It has grown by the experience of the two-thirds of the century since its introduction to its present enormous volume and proportion, and has become the most important factor in the civilization, development and progress of the American continent.

It is the universal method of transportation, from place to place, and there are few persons living in America who do not travel upon the railway.

Read before the International Medical Congress, Paris, 1900.

Read before New York Medico-Legal Society and Section of Medico-Legal Surgery, November 21, 1900.

*On June 30, 1898, 874,588 persons were in the employ of the railways of the United States of America, of whom 4,956 were general officers; 3,925 other officers and the remaining 865,677 were agents, clerks and employees.

EX-CHANCELLORS OF NEW JERSEY.

EX-CHANCELLOR RUNYON.

VICE-CHANCELLOR
HON. JOHN T. BIRD.

VICE-CHANCELLOR
HON. ABRAHAM B. VAN FLEET.

From advance sheets History of the Supreme Court of the States and Provinces of North America.

I t has introduced, as one of its consequences, a new field of Surgery. In America it is called "Railway Surgery."

As a necessity, it has developed an entirely new class of injuries, unknown to surgery before its advent, which befall two classes of men:

1. Its own employees.
2. The general travelling public.

Accidents upon railways are inevitable, and while superior skill, precaution and preventive methods may greatly reduce their occurrence and significance, no human precaution can seemingly prevent them.

These accidents result in claims against the railway companies by the injured for compensation, which come before the Judicial Tribunals, in actions which are classified as "Railway Damage Cases," and the reason why this class of litigation has become so enormous is because of the very large growth of the railways and the almost incredible volume of travel.

Every American railway suffers from "Railway Accidents." It must meet these claims and it has become a problem in railway management how best to meet these exigencies.

To minimize the railway accidents, and the amount of damage to life and limb, is one of the highest economic problems in American railway management.

The great railway systems of the American continent, those who are most successful in answering this problem in its financial aspects, have met it in two ways:

1. By the appointment of a Chief Surgeon for the whole system, or railway if it be a single line, with a staff of local surgeons distributed at the most important and accessible points on the railway, subject to instant call by telegraph and telephone from the Chief Surgeon.

2. By the establishment of a Hospital System for the whole line under charge of a competent House Surgeon and assistants, with every modern appliance for surgical or medical relief; all under the direction and supervision of the Chief Surgeon, which completely equipped, is always ready for instantaneous relief to employee or passenger in case of accident.

Some of the better equipped railways have also Hospital Relief Cars, furnished with every appliance and necessary, which can reach the scene of an accident on a telegraphic summons in the shortest possible time.

Experience has demonstrated, that by comparing the result

of those railway systems which have adopted this plan of a Chief Surgeon and local staff, and a Railway Hospital, upon a given line, with those who have not done so, that the saving to the railway in the amounts paid for damage claims is something enormous.

The reasons for these results may be briefly stated as follows:

a. As each railway should assume the care of the wounded among its own employees in case of an accident, it is plain that it could discharge this obligation better through its own hospital than otherwise.

b. It is found by experience that the injured passenger thus cared for by a railway corporation is better cared for, his injuries better understood, their nature and extent more clearly defined and accessible to both the injured and the railway official, and their adjustment usually arranged, amicably and more justly to both parties.

c. It is also a shield and defense to the railway company in a large class of unmeritorious and exorbitant claims, frequently made against railways by unscrupulous claimants, aided and abetted usually by more unscrupulous accessories and still more unscrupulous medical men. In the past, very large verdicts, both in America and in Great Britain, have been obtained in cases of obscure and ill defined injuries claimed to have grown out of collisions of railway trains, affecting the nervous system, and notably a class of cases, most of whom are without merit, and which have received the name of "Railway Spine" where the injury is claimed to affect the spinal cord, but without lesion, or any visible or ascertainable mark of injury.

All American railways have not adopted the Hospital System and some have not adopted the Chief Surgeon-and-staff system; but it is only a question of time when every American railway will have its Chief Surgeon and local staff.

The injuries resulting from railway accidents are of a kind that may be classed as *sui generis*. If a man's arm or leg is crushed by a train it presents an injury unlike any other injury,

The whole category of railway injuries, due to shock in collisions, is new and not comparable to injuries from ordinary causes, and these have grown up as an adjunct and accessory to the duty of a railway surgeon.

Frequently the Chief Surgeon devotes all his time and attention to railway injuries, as do many of his local surgeons, at points where many accidents occur.

The necessity of interchange of views among surgeons engaged in this class of practice was doubtless the cause of organization among the Railway Surgeons of the United States.

SECTION OF MEDICO-LEGAL SURGERY, OF THE MEDICO-LEGAL SOCIETY.

The growing importance of railway surgery in medical jurisprudence was distinctly recognized by the Medico-Legal Society, on September 6, 1893, by the organization of a Section of Medico-Legal Surgery, embracing railway counsel and railway, military and naval surgeons, under a chairman and twenty vice-chairmen, selected ten from each profession from the various States of the American Union. This action was based upon recommendation made in an address entitled, "Railway Surgery in Law and Medicine," made before the National Association of Railway Surgeons, at Omaha, Nebraska, June 7, 1893. (Vide Med.-Legal Jour., Vol. I., p 37, (June, 1893); Ibid. Vol. XI., p. 203.) Chief Surgeon Granville P. Conn, M. D., of Concord, New Hampshire, was its first chairman, and was succeeded by Chief Surgeon J. B. Murphy, M. D., of Chicago, Ill. He was succeeded by Chief Surgeon W. B. Outten, M. D., of the Mo. P. R. R. System. Clark Bell, Esq., was chairman of the Section 1899 and Chief Surgeon C. K. Cole, M. D., of Helena, Montana, was elected for the year 1900.

The chief merit and usefulness of this organization lay in its uniting in its labors railway lawyers of eminence and distinction, and the leading chief surgeons of the prominent American railways, so that both sides of all questions could be studied, as well from the legal as from the surgical and medical side.

The record of the labors of this body can be best considered and appreciated by its annual reports. The first annual report, of the year 1894, showed the history of the organization, and gave its officers and a list of members, embracing twenty-eight of the leading chief surgeons of American railways, and a large number of local surgeons, military and naval surgeons, and eminent railway counsel. An annual report of its labors has been submitted to the parent society, which has been published each year in the Medico-Legal Journal, and the report for 1899 is attached to this paper.

THE INTERNATIONAL ASSOCIATION OF RAILWAY SURGEONS.

This is, so far as numbers go, the most powerful of the Societies of Railway Surgeons.

It was founded in June, 1888. The idea of its founders was to open its doors to every railway surgeon in the United States and the Canadas, and it soon grew into a very large body. At the meeting held at Galveston, Texas, May, 1894, the enrolled membership exceeded 1,700 names, and there were nearly 1,000 persons in attendance at the session. Some there thought that the body was too large and unwieldly, and that that period was perhaps the maximum of its growth. It has not increased since then.

The scope of the work of this society is very broad, covering the entire field of railway surgery, and it aims to interest and associate every railway surgeon. It has held annual meetings in May of each year. It has made large contributions to the literature of railway surgery, and has published a journal which was for all the earlier years, under the editorship of Prof. R. Harvey Reed, then the treasurer of the organization.

Perhaps the most active and influential man in this body is and has been Wm. B. Outten, M. D., Chief Surgeon of the Missouri Pacific Railway system, of St. Louis, Mo. He was President for one term, and on the retirement of R. Harvey Reed, M. D., became the editor of the journal, now called the "Railway Surgeon," a position which he held until recently.

The officers for the current year are as follows:

President, A. I. Bouffleur, Chicago.

Treasurer, E. R. Lewis, Kansas City, Mo.

Secretary, Louis J. Mitchell, 498 W. Adams St., Chicago.

In some of the states, state organizations of Railway Surgeons have been organized and still flourish.

The New York State Association of Railway Surgeons is perhaps, the most prominent of these organizations. Its officers are as given below.

Dr. George Chaffee will present to your body a paper devoted to the work of this body, which will give an idea of the work of such a body in a great state like New York.

I give a list of the officers of some of the states and other Societies of Railway Surgeons:

American Academy of Railway Surgeons—Annual meeting at St. Paul, October, 1900. T. B. Lacy, M. D., Sec., Council Bluff, Ia.; C. A. Wheaton, M. D., Pres., St. Paul, Minn.

Wabash Railway Surgical Association—Meeting in St. Louis, Nov.,

1900. C. B. Stemen, M. D., Sec., Fort Wayne, Ind.; J. N. Jackson, Prest., Kansas City.

Florida State Associations of Railway Surgeons—W. L. Hughlett, M. D., Prest., Cocoa, Fla.; R. T. Walker, M. D., Sec , Cedar Keys, Fla. Next meeting, St. Augustine, Oct., 1900.

Sante Fe Railway Medical and Surgical Society—J. D. Freeman, M. D., Sec., Topeka, Kan.; Frank Finney, M. D., Prest., La Junta, Colo. Next meeting, Topeka, June, 1900.

Associations of Surgeons of Pennsylvania Company—Geo. C. Stemen, M. D., Sec., Fort Wayne, Ind.; Jos. F. Hobson, M. D., Prest., Cleveland, O.

Air Line Railway Surgeons' Association—R. S. Anderson, M. D., Prest., Princeton, Ind.; J. W. McGowan, M. D., Sec., Oakland City, Ind.

Western New York and Pennsylvania—E. M. Dooley, M. D., Sec., Buffalo, N. Y.; Geo. E. Ellis, M. D., Dunkirk, N. Y. Next meeting Dunkirk, N. Y.

Surgeons of Cincinnati Northern Railroad—J. L. Stager, M. D., Sec., Paulding, Ohio; W. H. Matchett, E. D., Prest., Greenville, Ohio.

New York State Association Railway Surgeons—C. B. Herrick, M. D., Sec., Troy, N. Y.; J. L. Eddy, Prest., Olean, N. Y.

Baltimore and Ohio Association of Railway Surgeons—L. H. Ball, M. D., Sec., Faulkland, Del.; Robt. J. Reed, M. D., Prest., Wheeling, W. Va.

Big Four Surgeons' Association—T. C. Kennedy, M. D., Sec., Shelbyville, Ind.; G. W. H. Kemper, M. D., Prest., Muncie, Ind.

Association of Erie Railroad Surgeons—W. W. Apley, M. D., Sec., Cochecton, N. Y.; C. S. Parkhill, M. D., Prest., Hornellsville, N. Y.

Iowa State Association Railway Surgeons—I. K. Gardner, M. D., Sec., New Hampton, Iowa; N. C. Morse, M. D., Prest., Eldora, Iowa.

C. M. and St. P. Railway Surgical Association—A. I. Bouffleur, M. D., Chairman Executive Committee, Chicago, Ill.

Texas Association Railway Surgeons—Clay Johnson, M. D., Sec., Corsicana, Tex.; L. B. Gunby, M. D., Prest., Sherman, Tex.

Association of Central of Georgia Railway Surgeons—Dr. W. H. Elliott, Prest., Savannah, Ga.; Dr. Howard J. Williams, Sec. and Treas., Macon, Ga.

Surgeons of Lehigh Valley Railroad—J. G. Zern, M. D., Sec., Lehighton, Pa.; C. H. Ott, M. D., Prest., Sayre, Pa. Next meeting, New York city, 1900.

THE LETTER OF LORD RUSSELL, OF KILLOWEEN, WHILE LORD CHIEF JUSTICE OF ENGLAND TO MRS. MAYBRICK.

BY CLARK BELL, ESQ., LL. D., OF NEW YORK CITY.

We printed a fac simile of this letter in our September number, the issue of which was delayed for a long time, so that there has not been time to notice what the press says upon the subject.

We shall notice some of the comments.

The York Daily says, in reproducing the fac simile of Lord Russell's letter:

THE MAYBRICK CASE.

LORD RUSSELL OF KILLOWEN AND THE MAYBRICK CASE.

We publish, through the courtesy of the editor of the MEDICO-LEGAL JOURNAL, from advance sheets of that journal, a fac-simile of the original letter sent Mrs. Maybrick by the Lord Chief Justice of England, while he was at the head of the justiciary of England, in which he declares her conviction illegal, and states that in his opinion she should be at once released.

The original letter was placed by Mrs. Maybrick in the hands of Mr. Clark Bell, as her attorney and counsel, and by him made the basis of an application for her release on August 24th last, and shown to the officer in charge of the Home Office on that date, in the absence of Sir Matthew White Ridley, Home Secretary, on his vacation, and the same placed in London, where it could be shown to the officials of the Home Office through the courtesy of the American Embassador, Hon. Jos. H. Choate.

It was the unanimous opinion of a large number of leading English barristers, eminent legal counsel and prominent citizens of England that public sentiment there would not sustain a Home Secretary, who should refuse to recommend her release to the Queen of England, after the fact that such a letter had been written, was made known to the public.

A copy of this letter was furnished the press. Its genuineness and authenticity having been questioned by English and other journals, Mr. Bell has wisely decided to reproduce it in fac-simile, and he had it photographed in London for that purpose, to set at rest all doubt or question as to its' authenticity.

The act of writing the letter was intended by the Lord Chief Justice to be an official one. It is written on the official paper. It was a voluntary act by the Lord Chief Justice, and it entitles him to high praise and great credit, that he should voluntarily place so important a document, in his own handwriting, in the hands of Mrs. Maybrick.

She prizes it highly, and Mr. Bell has placed it where it can be seen at all times, by those who are entitled to see it, and has placed, by this reproduction in fac simile, the letter where even its loss or destruction could not keep its contents, or the fact of its being sent, from the knowledge of the world, and especially from her son, who will now soon come to his majority.

The letter is most opportune at this moment, as it completely answers and demolishes an assault made upon the professional conduct and character of Lord Chief Justice Russell of Killowen by the Liverpool Post, made on August 13, 1900, asserting that he had betrayed his client, and consented to her conviction, out of a higher sense of justice as her judge, than of professional honor as her counsel.

Mrs. Maybrick, to whom Mr. Bell read these assaults upon the name and memory of Lord Russell of Killowen, in her prison, declared them to be wholly untrue and without the slightest foundation. She warmly defended Lord Russell's conduct of her case, and spoke in the strongest terms, not only of his defence, but of his constant, persistent and unwearied efforts for her release, and stated that as late as February, 1900, when he was holding assizes at Aylesbury, where she is now confined, he visited her unsolicited in her prison, and assured her, in the most solemn manner, of his belief in her innocence, and that in his opinion her conviction was illegal, and that she ought to be at once released. He also assured her that he had then recently brought his views and opinions to the knowledge of the present Home Secretary, Sir Matthew White Ridley, by a written statement, which he had sent to the Home Office, and should do all in his power to affect her release in the future.

It is incomprehensible, that when the Lord Chief Justice of England should voluntarily make such a written statement, and should of his own act place it in the hands of the accused, that the release of Mrs. Maybrick does not instantly follow.

It would be an impossibility, in the government of the United States, that the President of the United States would not instantly release any prisoner, where the Chief Justice of the Supreme Court of the United States had expressed such an opinion in writing.

In no American state nor in any British colony would such a thing be possible, after such a written and deliberate official statement had been made by the head of the judiciary of the state or province.

It seems to have been the intention and purpose of Lord

Russell of Killowen to make his act an official one. In the statement he filed in the Home Office, he took pains to make his statements official, and as made by the head of the justiciary of England.

It is not possible for any fair and unprejudiced mind to believe that Lord Russell would have written such a letter if he had the slightest doubt of the innocence of Mrs. Maybrick.

Since this application was made by Mr. Bell, on August 24. the English Home Secretary has recommended the release of Jane Jones, who was convicted of the wilful murder of her husband, and of whose guilt there has never been any doubt.

She was also confined at the Aylesbury convict prison, where Mrs. Maybrick now is. We hope that the release of Mrs. Maybrick will be the next to follow.

The same journal also said :

THE MAYBRICK CASE.

There was probably never a conviction in all England that attracted as much attention in this country as the conviction of Mrs. Maybrick for the murder of her husband. The case was a doubtful one at the best, and the prisoner undoubtedly owed her conviction to the unfair charge of a prejudiced judge. She was sentenced to death, which was afterwards commuted by the Home Secretary to imprisonment for life.

Since that time unsparing efforts have been made for her pardon. The evidence has been thoroughly analyzed and few people now believe in her guilt. So much interest was felt in this country in the unfortunate woman, that the United States Government went so far as to officially ask for her release. Yet the British Government has held on to Mrs. Maybrick as though she was the most heinous of criminals.

Among many others, none has been more untiring in his efforts for the release of the unhappy woman than Hon. Clark Bell, LL. D., of New York. The Medico-Legal Journal, of which he is the editor, has constantly referred to her case, and kept alive public interest therein.

Mr. Bell, who was one of the United States Commissioners to Paris, stopped in England on his return to this country, and made personal efforts in behalf of the imprisoned woman. On another page we give room to an extract from the Journal, setting forth his interview, and a remarkable letter of the late Lord Chief Justice of England.

It is difficult to foretell what the outcome of it all will be. Probably before the thickheaded Briton makes up his mind to act death may release the unhappy prisoner.

The Strand Magazine, (London.) in its November number, 1900, publishes an article by Henry W Lucy, Esq., who, speaking of the late Lord Chief Justice Russell, says :

The most remarkable episode in Charles Russell's career at the Bar undoubtedly was his defense of Mrs. Maybrick.

I happened to find myself in the same hotel with him at Liverpool on the morning of the day set down for the opening of the trial. At breakfast he spoke in confident terms of his client's innocence and of the surety of her acquittal.

He did not take into account the passing mood of the judge who tried the case and so found himself out of his reckoning, but the verdict of the jury, still less the summing up of Fitz James Stephen, did not shake his conviction, that whatever other sins might be to her charge, the unhappy woman was guiltless of murder.

It was chiefly out of respect for the conclusion formed by this judicial mind, illumined by the keenest intellect, that led two successive home secretaries, on accession to office, to devote days and nights to patient reconsideration of the evidence.

Lord Landoff told me that when the matter came before him as Home Secretary, he approached it with an absolutely impartial mind, biased only by a natural desire to find a loophole through which the hapless woman might crawl back to liberty. He read and weighed every scrap of evidence, shutting himself up with the papers for three days. At the end of that time he slowly but surely drifting, was landed in unshakable conviction of Mrs. Maybrick's guilt. When Sir Mathew White Ridley went to the home office he, in the same impartial frame of mind, moved by the same impulse toward mercy, arrived at the same conclusion.

It is impossible to conceive two men, more widely differing in constitution and training than the Home Secretary, who was best known as Henry Matthews and the present incumbent of the office.

Yet travelling by various ways they arrived at the same spot.

On the other hand Charles Russell, of all men least likely to be misled by appearances, or deliberate deception, having probed the case to the bottom, having turned his piercing eyes on the frail creature in the dock, having talked to her in private and studied her in public, was convinced of her innocence.

He was not the kind of man to abandon man or woman because the universe had deserted them. He paid Mrs. Maybrick regular visits in her prison home, a custom not intermitted when he put on the ermine of dignity of Lord Chief Justice of England.

Lord Landoff was a lawyer of high position at the English Bar, when as Mr. Henry Matthew he came into the home office. Mrs. Maybrick owes her life to this man.

The verdict of the jury was guilty, and her sentence was death, which was a real surprise, as was afterwards learned, to Sir James. If Mr. Matthew believed her guilty, he should not have commuted her sentence upon the ground that he assigned.

If she was guilty she well deserved death on the scaffold.

The evidence, however, satisfied Mr. Matthew that there was reasonable doubt, that the death of Mr. Maybrick was due to arsenic. In this view, as is well known, he was sustained by Sir James Stephen. If such a doubt really came into Mr. Matthew's mind as was made the ground of his commutation

of the sentence, under English law that doubt entitled the accused to an acquittal.

Why he lacked the courage of his conviction can only be surmised.

At all events he did not dare to take the responsibility of allowing her to be executed.

The intercession of the American Government through Mr. Blaine, Secretary of State, was urgent, strong and most intense.

It is incredible that Mr. Matthew desired any loophole to release her. The case was full of them.

Sir Matthew White Ridley was not a lawyer, and there is no probability that he ever read the evidence in the case which was voluminous. He could not have read the papers in three days if he had attempted it.

He simply followed his predecessor's line and was not able to take up the case on its merits.

She had suffered imprisonment more than eleven years when he was superseded. Her release could readily have been granted on the ground that her imprisonment exceeded ten years, and even if he had regarded her as guilty, he could without violating either English law or opinion recommended her release, but he left the case undecided to his successor.

The statement of Mr. Lucy is of enormous value as an answer to the assault made on Lord Russell's memory, after his death, by the Liverpool Post, on the question of his firm belief in her innocence.

The letter itself speaks in strong terms, and Mr. Lucy corroborates what every friend in Lord Russell's confidence well knew, that he believed her to be innocent.

No one better than Lord Russell understood, "that his belief in her innocence," was not good legal ground for the home minister's action. What he believed as a legal proposition, had no weight and was not entitled to be considered, and he so told Mr. Asquith, a later home secretary, whom he sought, to bring to his views that she ought never to have been convicted, and that she should be at once released.

His written statements are on file in the home office, couched in much stronger language than the letter to Mrs. Maybrick, but they are placed on solid and legal grounds, and he never placed his personal belief in her innocence on record in any paper in the case, because, as he always said, his personal belief was not any proper ground for action by the home secretary. This view he expressed to counsel and to his associates and personal friends, whose names can be given, if need be.

His voluntary act, while Lord Chief Justice, of placing such a written statement in the hands of Mrs. Maybrick, is the most significant and unanswerable fact.

There is no other country in the world beside England that would retain a woman in prison after she had served more than eleven years, after the highest judicial authority in the nation had made such a deliberate written expression, "that she ought never to have been convicted," and that she ought to be released.

Mrs. Maybrick sent to her counsel in New York some lines she had recently written, addressed to her friends. The New York Herald of December 15th, published them with her portrait, reproduced from a photograph sent by her mother, the Baroness de Roques, to Mr. Clark Bell, taken the Christmas holidays prior to her arrest, a reproduction of which accompanies this article. The verses are as follows:

FLORENCE E. MAYBRICK.

A MESSAGE TO HER FRIENDS.

Unanswered yet? the prayer your lips have pleaded,
In agony of heart these many years?
Does Faith begin to fail, is hope departing?
And think you all in vain those failing tears?
Say not the Father hath not heard your prayer.
You shall have your desire,—Sometime—Somewhere.

Unanswered yet? though when you first presented
This one petition at the Father's throne
It seemed you could not wait the time of asking,
So urgent was your heart to make it known.
Though years have passed since then, do not despair,
The Lord will answer you,—Sometime—Somewhere.

Unanswered yet? nay, do not say ungranted.
Perhaps your part is not yet wholly done,
The work begun, when first your prayer was uttered,
And God will finish, what He has thus begun.
If you will only keep the incense burning there,
His glory you shall see,—Sometime—Somewhere.

Unanswered yet? Faith cannot be unanswered,
Her feet were firmly planted on the Rock,
Amid the wildest storm, she stands undaunted;
Nor quails before the loudest thundershock,
She knows Omnipotence has heard her prayer,
And cries, "It shall be done—Sometime—Somewhere."

October, 1900.

The New York Herald in commenting on her case, says:

The main argument advanced by her friends was that the presiding judge, became insane shortly after the trial, and during its continuance was thought to have shown evidence of being unbalanced. Thus far, however, both the Queen and the Home Secretary have refused to interfere in her behalf.

The Herald is, without intending it, slightly in error in making the statement.

1. The Home Secretary did commute her sentence of death to imprisonment for life.

2. Under English law the Queen cannot pardon, except upon the recommendation of the Home Secretary.

3. While it has often been asserted and is extensively believed, that the Queen has refused clemency in this case, there is not the slightest evidence, on which to base such a belief, in existence.

Colonel Hay, who was the American ambassador at London and strongly pressed for her release, has assured the writer that the Queen has not either interfered with or been consulted by the Home Secretary as to Mrs. Maybrick's pardon.

Mr. Choate, our present ambassador, who has urged her release with all his power, is of the same opinion.

Again, while the evidence is now conclusive that Sir Fitz James Stephen's mind was unbalanced, prior to and at the time of the trial, it is not a fact, that up to the present time any application for release distinctly on that ground has been made to, or passed upon by the home office.

Personal Rights, of date of November 15, in commenting on the statement of Mr. Lucy in the Strand Magazine, says:

The Maybrick case is again in the air. In the current number of the Strand Magazine, Mr. H. W. Lucy, in his article "From Behind the Speaker's Chair," gives some interesting information regarding the late Lord Russel of Killowen, in the course of which it quotes Mr. Lucy's remarks in full and adds:

Now what must strike anyone who reads this note is the question: Why, if, after so exhaustive and exhausting a re-examination of the evidence, Mr. Matthews "was landed in unshakable conviction of Mrs. Maybrick's guilt," did he commute the capital sentence? If she was guilty of murder, there was nothing to recommend her to mercy. At least one woman has been hanged since who had no intention of committing murder. Fortunately, Mr. Matthews (now Lord Llandaff) has solved for us this riddle. He did *not* arrive at the conclusion that the verdict was justified by the evidence: quite the reverse. He stated that the evidence did not exclude a reasonable doubt as to whether the deceased had died through poisoning by arsenic. But that Mr. Maybrick died in this way was, as the Judge had stated, essential to the verdict. What, then, was Mrs. Maybrick's guilt, of which Mr. Matthews formed so strong a conviction? He tried her himself, without any of the guarantees of justice afforded by a public trial, without calling upon her for defence, without giving her the opportunity of producing rebutting evidence—he tried her *in camera* on a charge not brought against her at her public trial, a charge which would have necessitated different procedure—he tried her for administering and attempting to administer arsenic with intent to murder, with respect to which the jury had made no finding—he found her guilty, sentenced her to the maximum penalty, and made use of the order of the Court based on a finding which he declared insufficiently supported by evidence, in order to keep her perpetually in prison for a crime for which she had never been legally tried.

That this course was suggested by Sir James Fitzjames Stephen we now know by Mr. Leslie Stephen's life of his brother; and we would suggest to Mr. Leslie Stephen that, as the custodian of his brother's reputation, he would be doing a wise and graceful act in interceding on behalf of Mrs. Maybrick. We do not share the belief that Sir J. F. Stephen was insane, in any plenary sense, at the time of the trial. But we are convinced that he was not fully sane. His charge to the jury, the report of which is reproduced in full in Mr. Levy's book,* is grotesquely inaccurate; and, if the jury took it to be a compendium of the evidence—as they probably did—the result of their deliberations is fully accounted for. Indeed, if the facts were such as the Judge stated, the verdict could hardly be impuged. How different they were may be seen by anyone who compares the evidence with the Judge's charge, in the book already referred to. To take a single instance, the Judge stated that, according to the evidence of Alice Yapp, at the commencement of Mr. Maybrick's illness, he was very sick and in great pain, immediately after some medi-

* The Necssity of Criminal Appeal, as illustrated by the Maybrick Case and the Jurisprudence of Various Countries. (P. S. King and Son-)

cine was given to him by his wife. Alice Yapp swore nothing of the kind. She saw neither any administration of medicine nor any sickness. We could give other instances of gross inaccuracy, generally leading to the conclusion of the prisoner's guilt; but, for our present purpose, the above instance will suffice.

If this was the character of the Judge's charge to the jury, what confidence can be placed in his notes? Still upon those notes was probably based the conclusions of successive Home Secretaries, or of the officials employed by them. When Mr. Lucy holds up his hands in astonishment at the marvellous concensus of opinion of various Home Secretaries, he seems to us to manifest remarkable blindness—for one so long behind the Speaker's chair—as to the vicarious nature of that opinion. It is more than possible that the conclusions of Mr. Matthews; Mr. Asquith, and Sir Matthew White Ridley, were all drawn for them by the same gentleman, or at least that the same gentleman helped these various Home Secretaries to come to the same conclusion.

We hope that Mr. Ritchie, the new Home Secretary, will judge this matter for himself. Let him read the salient portions, at least, of Mr. Levy's book and, *per contra*, the article of X.Y.Z. in the Contemporary Review of September last. If he likes to make the inquiry, he will perhaps find that X.Y.Z. is one of his new permanent staff, and that the doctrines put forward in the article are the embodiment of Home Office practice. This is a matter which does not concern the Maybrick case alone. Scarcely a month passes without some new manifestation of injustice brought about by adherence to the traditions of the department over which Mr. Ritchie now presides. If he will seek out this Hydra and slay it, he will leave for himself an immortal name among Secretaries of State, and—what he will hold of more importance—he will cut off a permanent source of injustice, give releasement and joy to the innocent pining in prison, and breathe a new life into a department which is sadly in need of a renovating spirit.

In the same number of this Journal is an article from "Lex" a well-known writer in English Journals, which we reproduce.

Sir,—May I call attention to two articles in the Liverpool Post of August 13th and 14th, in which the utter incompetence of the Judge at the Maybrick trial is strongly asserted? The writer is distinctly hostile to the prisoner, and writes without any intention of raising the question whether the trial was not null and void; but, as the English system consists in trial by Judge and jury, the total incompetence of either element should clearly vitiate it. Moreover, Mr. Ruggles-Brise, on the occasion of a visit to America in 1897, stated that the reason of the steadfast refusal of the Home Secretary to release the prisoner was his desire to uphold the wholesome authority of the English justiciary. That authority cannot be regarded as wholesome if the Judge was insane. Lord Russell, who was present throughout the trial, was of a different opinion from that of the Judge. He was undoubtedly sane. If Sir J. F. Stephen was insane, the public will, I think, be of opinion that the sane Judge should have had most influence with the Executive.

But was Sir J. F. Stephen insane? His charge occupies 90 pages of Mr. Levy's book. Many of the errors are noticed in the notes; but their

bearing on the question of insanity are not brought out. Many others are left unnoticed. But the whole charge and the evidence is there. Will some medical man of experience in the subject of insanity take it up, read it, and give us his opinion. Let him also refer to Mr. Leslie Stephen's Life of Sir J. F. Stephen, and consider the bearing of the statements made there, as to the Judge's health on the question at issue; and let him compare the literary and juridical writings of the latter before and after. The verdict of such a physician would, I think, be well worth having. Did the Home Secretary ever make the inquiry?

Truly yours, LEX.

PENOLOGY AND THE PHILIPPINES.

BY CLARK BELL, ESQ., LL. D , OF NEW YORK CITY.

. Dr. Nagle, of vital statistic fame, said to the writer that he strongly recommended the establishment of a Penal Colony, in some of the Philippine Islands, not alone for the convicts of the national government, but upon some basis that the government of the States could under proper provisions be made to participate in its benefits.

The system of hiring out convicts as is done in Virginia, Alabama, Texas and other States was discussed and considered, but Dr. Nagle believes that the Penal Colony, in the near future, in some of the Pacific Islands is the true provision that our National and State Legislatures should consider.

The peculiar climatic advantages of the Philippines, and its distance from any of the problems of interference with American labor, the example of Van Dieman's Land of British penal settlements and experiments were measured and considered.

Dr. Henry S. Drayton has been in favor of such action and has supported his views with great force.

It is a subject that should now be brought forward. The time is propitious for its consideration and it may be well to have the subject made the subject of a careful and comprehensive study and report by a select committte of the Medico-Legal Society, as a preliminary step, to feasible legislation by the government of the United States, under governmental protection or penal provisions of national law, made for the benefit of the several States.

SUPREME COURT OF NEW HAMPSHIRE.
THE PRESENT BENCH.

HON. ROBERT J. PEASLEE,
Associate Justice.

HON. WM. MARTIN CHASE,
Associate Justice.

HON. ROBERT M. WALLACE,
Associate Justice.

HON. ISAAC N. BLODGETT,
Chief Justice.

HON. FRANK N. PARSONS,
Associate Justice.

HON. JOHN E. YOUNG,
Associate Justice.

HON. ROBERT G. PIKE,
Associate Justice.

From advance sheets Supreme Court of the States and Territories of North America.

THE WHIPPING POST AND THE WIFE BEATER.

BY CLARK BELL, ESQ., LL. D., OF NEW YORK CITY.

Does our present mode of punishment seem to diminish the volume of crime due to this class of criminals.

Has mere imprisonment any deterring effects upon the wife-beater at all? It is usually when drunk that the wife beater plies his vocation, and so far as observation and experience go, the present punishment is wholly inadequate "it does not fit the criminal."

We learn from the New York Morning Journal that public sentiment especially in New Jersey, is changing upon this subject and that a bill will be introduced into the Legislature of that State the coming winter to restore the whipping post, which was abolished three quarters of century ago. That there is a growing sentiment in favor of the lash for wife beaters.

This was attempted two years ago in the same State, but it failed of passage as was understood by reason of the objections raised by the churches there.

It is matter of congratulation and praise if a change has come or is coming over the members of the Christian shurches, in aid of the poor defenseless and outraged victims of this bestial crime. We should study punishments by their deterrent effects. By their results. If Governor Biggs, of Delaware, where the whipping post was not abolished was correct in saying, that in all his experience he never knew one case in which a white man came back the second time, to the lash, it would be worth while to see, if this simple change of punishment for this now prevalent and heinous crime, would not put a stop to it.

It is to be hoped that New Jersey will at least make the trial.

New York should not wait for New Jersey in this respect. The number of wives here in this city beaten by drunken, abusive husbands is appalling.

A month on the island is not adequate for punishment. The brute who uses force on a defenseless woman should have his punishment in kind.

Let the blow of the cat on his bare back follow the blow of his fist on his wife. In our judgment the whipping post for wife beaters would abolish that crime absolutely in our city inside five years. Perhaps in one year.

The judges of our criminal courts in the city of New York have the saddest side of this terrible problem presented to them.

No class of men more than they, realize the entire inadequacy of the present mode of punishment for wife beaters.

Several of them are on record, by public utterances, and it is perhaps true that most of them would actively favor a law here in New York of this kind.

PROBATION OR CONDITIONAL RELEASE FOR FIRST OFFENDERS.

BY CLARK BELL, ESQ., LL. D., OF NEW YORK.

Hon. Truston Beale under "the education of a millionaire," reviews and criticizes Thomas Nelson Page and also Rev. Dr. Hamblin as to their reflections on the effect of the "divorced and doubly divorced" society leader at Newport, and asserts that no one or no important number of our people are concerning themselves, with what these Newport, so-called aristocrats, do.

Mr. Page and Rev. Dr. Hamblin are nearer right than Mr. Truston Beale thinks.

Our social system is such that it makes comparatively little difference what the millionaire of to-day does, or what his family does, with the masses of our people.

When the millionaire dies his estate is divided among his heirs.

Of the splendid establishments built by the millionaries of thirty or forty years ago, on the banks of the Hudson River, scarcely one of them remain in the hands of one of the heirs or of the blood of the family.

This will be true 30 and 40 years from to-day of the splendid establishments reproduced on the same river by the millionaires of today.

The truth was told by Adam Smith, "that the expenditure of the vulgar spendthrift millionaire, especially if the money is inherited, is for the real good of society at large and does no harm.

The millionaires of to-day are of two classes:

1. Those who made their millions themselves.
2. Those who inherited them.

Those of the first class had the education of the masses as a rule.

It is a matter of perfect indifference what the education of the class two is.

When I was a boy Senator Sam. H. Hammond, then a brilliant lawyer and Attorney General of this State, speaking of the splendid mansions of that day, on State Street, Albany, said; that without exception, so far as he knew, the descendants of the builders were scattered and nearly all the men in the graves of the drunkard.

There may be one of the blood of the builder, who now lives in some one of these now, but he said none did, in his time.

INAUGURAL ADDRESS AS PRESIDENT OF THE MEDICO-LEGAL SOCIETY.

BY CLARK BELL, ESQ., LL. D , OF NEW YORK CITY.

FELLOWS OF THE MEDICO-LEGAL SOCIETY:

There were many reasons why I should have preferred not to have again assumed the high office to which you have so kindly called me. The demands upon me at this moment are unusually pressing and absorbing of time. It seemed to me that a new man at the head would have been more successful than I can possibly hope to be. But my requests were not heeded, and I am still under renewed obligations for your kind and enthusiastic support.

I feel so much indebted to this body for such continuous loyalty and fidelity in aiding the efforts of all my colleagues, which have resulted in its present proud position, that I cannot ignore its mandate, and it is with renewed energies that I again take up the labors, and reassume the standard, which you have so many times entrusted to my keeping.

THE NEW CENTURY.

It is no light task, for any one who has studied the progress and growth of the century just closed, in its relation to the science of which we are students, to assume to lead our thoughts, studies and aspirations even, to the new century we are entering to-night. We are upon a threshold, where we must look forward ever, always forward. We must not look back, except for the purpose of replenishing the lamp, which is to guide us in the coming days, with the oil of experience.

We may also, I hope, be permitted, in the brilliancy of

the glamor that surrounds the opening of the new century, to glance at the wondrous record of achievements of the past, to fill us with a more robust conception of what history will demand of mankind in achievement in the coming one.

The Past Century.

I cannot stop to-night to even recapitulate the magnificent strides that have taken place in the science of forensic medicine in the last hundred years. This will be done by abler hands than mine.

Chemistry has outstripped all the sciences, by those wondrous achievements so related to the welfare and advancement of the material needs of the race. It has blotted out the word "agnosticism" from that domain of science. It has not left men room to doubt or to live by faith alone, because its demonstrations have overwhelmed and convinced the world.

The simple discoveries relating to the manufacture of steel, in the closing years of the nineteenth century, in its effect upon the construction of railways, implements, machinery, bridges, steamships and architectural structures, more than all other factors combined, have been at the base of those gigantic and splendid achievements that have borne as a fruit the wondrous development of our continent, and helped to bring the energy and the versatile inventive genius of the American people into the recognition of the world.

Such names as Edison and his confreres have furnished a light by electrical discoveries that has illumined these stupendous results with a glory more resplendent than that of the sun at midday.

I shall not stop to recount the wondrous achievements in science due to discoveries in light, steam and electricity, in which the American Nation has borne no mean part,

but shall simply say: that it may with safety be urged that the advances of science, along the lines of discovery in its relation to the growth, development and civilization of the race, in the nineteenth century of the Christian Era, exceed the sum total of all the centuries preceding it combined.

I feel that we must, therefore, approach the threshold of the coming century, if we expect to even equal it, (much less to excel it), with bowed heads and reverent hearts.

OUR RELATION TO THE WORK OF THE PAST CENTURY.

The historian of the century which has just closed will be in no doubt as to the value and importance of the labors of the Medico-Legal Society, in advancing the science of medical jurisprudence, since its foundation. These labors are now history. Its publications and contributions its members have made and inspired, in the last third of the century, have entitled the body to that public recognition which the ablest thinkers in forensic medicine of the world award it to-day, and whose verdict will be ratified by those who come after us.

THE WORK OF THE PAST YEAR.

The greatest work of the year has been probably, that of the Psychological Section, which its Annual Report will give in detail.

The report of the Section on Medico-Legal Surgery will also give details as to the progress of military, naval and railway Surgery, and the remarkable progress the latter science is making on this continent, and its recognition at the International Medical Congress of 1900, at Paris, by representatives of this body.

The work and labors of the American Congress of Tuberculosis, held in February, 1900, and contributions made since, working in conjunction with this Society, produced most important contributions to the literature of Tubercu-

losis, which will fill a volume of its transactions, published under the auspices of this Society, in a bulletin, published in two parts, Part I of which is now ready for members, and Part II of which will be completed during the coming year.

The Executive Committee of this Society, at the January session, recommended that the Second Annual Session of that Congress be held on the 3d Wednesday of May next, and those members who wish to continue papers for the coming session, should furnish the titles to the officers of that Congress at an early date, to facilitate the preparation and classification for an initial programme.

Medical Jurisprudence at the Paris International Medical Congress.

There was no International Congress of Medical Jurisprudence held at Paris, on the occasion of the Exposition of 1900, as there was in 1889. This was, as it seems to the students of forensic medicine in America, a public misfortune. The science, however, was not wholly ignored.

Legal medicine was made the subject of a section, in the International Medical Congress of Paris, 1900, which embraced some of the more important subjects, which was splendidly officered, and exploited by men of science selected from all lands throughout the world.

This section was under the chairmanship of Prof. Brouardel, one of our honorary members, and the most illustrious name in France, if not in the world, in toxicological as well as other medico-legal studies, and Dr. Motet, the permanent secretary of the Medico-Legal Society of France, who occupies a place in the front rank of the alienists of France and medico-legal jurists.

Neurology, mental medicine and psychology was awarded a section under the charge of the ablest men of that do-

PORTRAITS OF EMINENT ALIENISTS AND MEDICAL MEN.

GERSHOM H. HILL, M. D.,
Independence, Iowa.

THEO. DILLER, M. D.,
Pittsburg, Pa.

WM. P. SPRATLING, M. D.,
Morris Plains, N. J.

H. O. JEWETT, M. D.,
Cortland, N. Y.

G. R. TROWBRIDGE, M. D.,
Danville, Pa.

W. H. HAVILAND, M. D.,
Butte, Montana.

MIDDLETON MICHAEL,
Charleston, S. C.

J. T. STEEVES, M. D.,
St. Johns, N. B.

S. V. CLEVINGER, M. D.,
Chicago, Ill.

F. T. FULLER, M. D.,
Raleigh, N. C.

O. W. ARCHIBALD,
Jamestown, Dakota.

R. J. DUNGLISON, M. D.,
Philadelphia, Pa.

main of forensic medicine, to which contributions in this department were referred. At the head of this committee was placed the most luminous name among the master teachers of mental medicine of Paris, if not of the world, Dr. Magnan, of St. Anne, Paris. An auxiliary committee was organized by the president of this Society, at the request of Prof. Brouardel and Dr. Motet, chairman and secretary of the Section of Legal Medicine, which committee secured a large number of contributions to the various branches of forensic medicine.

Governmental Representation.

The government of France made a request of the American government that delegates, representing the government of the United States, be appointed to attend that Congress. This Society was greatly honored, and its usefulness recognized, by the appointment of its president as delegate to that Congress from the government of the United States.

It is but an act of duty to state that this delegate was treated by the International Medical Congress and its sections with the highest respect and consideration. He was made one of its honorary vice-presidents, and the same courtesy extended in those sections relating to forensic medicine; and to add, that the stimulus given to the science of medical jurisprudence by the International Medical Congress of Paris, in 1900, will long be felt in the world; that France has given a new lustre to that glory, which has everywhere been awarded her, for the splendid example that her government has given to the nations of the world, by her constant splendid aid and support to the advancement of science.

When the American government shall have advanced into a recognition of this truly splendid and magnificent work that the government of France has done for science;

when the American President shall see the proud and exalted position France has occupied in the eyes of all the civilized world, with the brilliant illumination presented, by an exposition of unparalled success in the field of science and art, and shall have emulated and followed it, we shall see some of the crowning glories in store, in the new century, in the destiny of our country.

The American government should, like the government of France, throw the whole force, might and power of the nation into the scale, in aiding, sustaining and promoting the sciences. It is this superb, splendid action, due to the sagacity and wisdom of the rulers of France, that has placed France in the vanguard of nations, in the highest achievements of human civilization, and the advancement of arts of our era. We can look upon her magnificent success, but we must follow in her footsteps with the great resources of our country, before we can ever overtake her.

I point to the day, early in the present century, when America, along the liues that has made France resplendent in advancing the civilization of mankind, will outstep and exceed her; because our resources are so much greater, our country so much larger and more expanded, and our eyes more widely opened to the needs of the power and material support of the government for the promotion and development of all the sciences, and success of the useful arts, so closely identified with the growth and the prosperity of the nation.

The Unwarranted Use of Arbitrary Power by the Governor in Removing Officers.

There are some public events that ought not to be ignored, and which I deem it my duty to bring to your attention. The retiring governor has; in the closing days of his term, removed from office two gentlemen, one of whom is an active member and one a corresponding mem-

ber of this body, without a trial, refusing to listen to evidence, which it is claimed by each was an arbitrary and unwarranted use of power.

The one, the president of the State Commission in Lunacy, a gentleman of the highest character in the state, which leaves him remedyless at law, as the law is now construed, and with a reflection upon his private character. The other, the district attorney of the county of New York, a gentleman of high social position and an unsullied reputation. The publicly assigned reasons for the last removal are such as probably would not justify a court of justice approving of the removal, if the question could, under existing legal procedure, be brought before a judicial tribunal. In the case of the latter, the people can be asked to pass upon the merits of the case at the polls at the next election, and will probably be so called upon. In the former, the office being an appointment by the governor, by and with the advice and consent of the senate, the people cannot be called upon to pass upon it.

The incoming governor, who has already inspired men of all parties with great confidence, both in his wisdom and courage, and in the purity of his motives, would have a right to review and reappoint the late commissioner, but might not feel willing to do so, in case he should decide that the action of the late governor was legal, and that a vacancy existed. But there are circumstances attending the case that may require him to examine into the facts, especially as the present law limits those who can hold this office to a few individuals. The act limits the governor in filling this office, if he should regard the action of his predecessor legal, and as creating a vacancy, to a very few men of a class created by the act, which is probably in violation of the state constitution. Outside of the superintendents of hospitals for the insane, who are already in

official positions, there are probably not five persons in the state who are eligible to hold this office under the present law. This provision of the law, if constitutional, should at once be changed and repealed, and the present governor will doubtless so advise, and may withhold action until that is done.

It is in violation of the spirit of our laws, that the governor of the state should be in any sense restrained or restricted, in the exercise of the appointing power, in securing the most fit person in the state for any office he is required to fill.

Under the Public Officers' Law, as to the removal of officers appointed by the governor and senate, a hearing is provided for, and either the governor may take the evidence, or appoint a justice of the supreme court or commissioners for that purpose.

The hearing being judicial in its nature, the respondent is entitled to be confronted by the witnesses against him, and has the inalienable right to produce witnesses in his behalf. The law contemplates that it shall be "*evidence*" not merely testimony, upon which the executive shall act. In the case of the state commissioner of lunacy, no evidence was taken. The method prescribed by law was not pursued for the judicial ascertainment of the facts. No witnesses were sworn on behalf of the state, as to any of the facts stated in the charges; and the requests of the respondent to be allowed to produce witnesses in his behalf were denied. If the governor did not act upon legal evidence; if he refused to allow the respondent to call witnesses in answer to the charges, and acted upon copies of letters that had been purloined from the private desk of the respondent, and which were not duly authenticated by evidence, as has been charged; the action of the governor would not be within the purview of the law known as the

Public Officers' Law, and the action would be void and of no legal effect, and would not create a vacancy in the office.

The best friends of the late governor will doubtless characterize his action in these cases as indiscreet, unwise and dangerous as a precedent. I have the honor to recommend that a committee be named by this body, to inquire into the facts and circumstances of these removals, separately, with full powers, and with power to send for persons and papers, and take evidence under oath; and that this committee be instructed also to report what legislation or changes in the constitution, if any are needed, to prevent a repetition of such occurrences, or what legislation or constitutional changes are necessary, in the state of New York, to prevent the removal of officers elected by the people, or appointed under power of the governor and senate, without a trial, or for partizan or personal reasons, or by the unwarranted use and exercise of an arbitrary power; and to provide for a review in such cases, by either the court of appeals, or such other tribunal as the legislature may provide for.

The present cases are of such a character, as apparently show the necessity of such lesislation, or constitutional changes, as would protect the unwarranted and arbitrary use of power, without any provision for review, in cases like that of the chairman of the state lunacy commission, where the victim might be ruined for life, professionally, without the slightest chance for relief, trial or review.

It is claimed by the late president of the state lunacy commission that his private papers were abstracted from his private desk, and that stolen copies thereof were in the possession of the governor on the hearing, which copies, unauthenticated by evidence, he acted upon; that he refused to allow the accused or his counsel to see or inspect

these for authentication; that the accused informed the executive that these copies, which he had in his possession, and upon which he acted, without any evidence as to their authenticity or genuineness, had been purloined from his private desk.

The action of the executive involves the elementary principles of law, and the rights guaranteed to the citizen under our constitution, and if allowed to pass unchallenged, and to stand as a precedent, might, in the case of an exciting political contest, where the power was exercised for partizan or personal reasons, create or incite to revolution, and put in peril the very elementary principles of law and of individual rights on which our government rests.

In calling your attention to this subject, I wish to entirely disclaim any partizan political feeling or motive. Men of all shades of political views are in our membership. It is an issue higher than any question of partizan interest, and we should divest our minds of all personal or partizan political feeling or prejudices, and our action should be wholly non-partizan in every respect.

Questions under Investigation.

Public questions of great interest, and of the highest importance, are in the hands of select committees of this body, to which I shall now call your attention in detail, viz.:

1. The release of Mrs. Maybrick.

2. Legislation regarding cremation as a means of concealing crime.

3. The present state of the law, and needed legislation regarding what is known as Christian Science teachings.

4. Questions regarding expert testimony and the introduction of standard works as evidence in the courts.

Other questions of great interest are now under consid-

eration by this body, not referred to select committees matters to which the attention of the members is desired.

MEMBERSHIP.

The present membership, on January 1st, 1901, on the active roll of members there were 507 names, on the corresponding roll of members there were 552 names, on the honorary roll of members there were 13 names, making a total of 1072 names, not including about 250 names that are on the suspended list for non-payment of dues, and not including the roll of Section members which is, Psychological Section 172 names, Medico-Legal Surgery, 98 names, total section members, 270.

FINALLY.

Let us assume the work and duties devolving upon us all, with courage and determination to spare no pains to make our labors in the future at least equal to those of the past, in the hope that in the new century we shall bear our part worthily and well.

THE CAT AS A DETERRENT FOR CRIME.

BY CLARK BELL, ESQ., LL. D., NEW YORK CITY.

Apropos of this punishment for wife beaters at the whipping post, the hour is now propitious for a reconsideration of our views as to the value and efficacy of this form of punishment for juvenile offenders.

Why is the parent justified by the laws of all civilized countries in correcting the faults of his child by the rod?

Why should we retain and continue our prejudices against the whipping post, which was abolished with slavery, without reflection, treating it as one of the incidents and concomitants of slavery, because of its use on the black.

Was it not a mistake in the American States, to have abolished it, and lose all of the benefits because of its abuses, in its relation to slavery and the blacks.

Take Delaware as an example and object lesson.

The volume of crime in that state is away far below that of any state in the Union.

There is no use for a State prison in Delaware.

The jails are rarely occupied. Most of their criminals are arrested while crossing the state for the purpose of robberies in it by those criminals, who reside outside of that state.

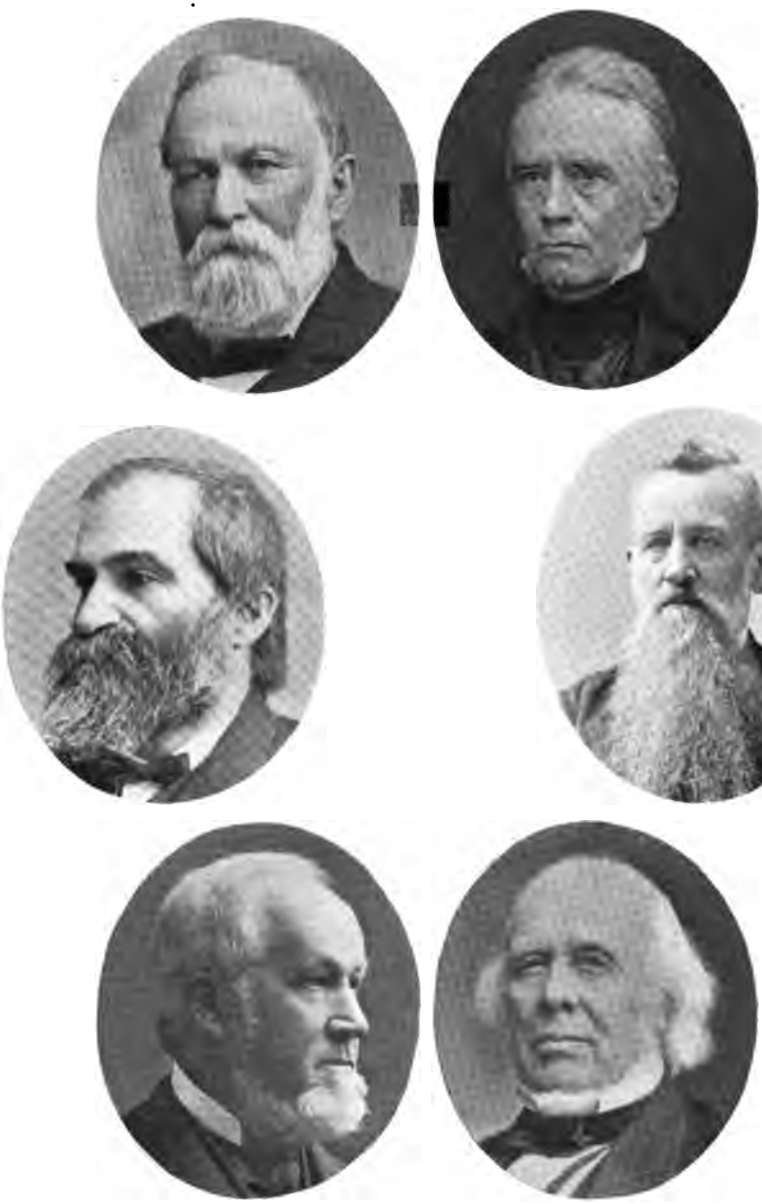
An imprisonment in a prison for a term of years costs a state a large sum of money.

The gradation of punishment between 5 lashes and 40 lashes costs nothing, and when the cat is dropped by the officer of the state in Delaware the expenses end.

Experience demonstrates that the whipping post is of a thousand fold more value than a term sentence in prison.

For the youthful offender, the comparison is more pregnant, and full of food for reflection.

A boy of 12 commits a petty theft; for example, your boy, or



EX-CHIEF JUSTICES SUPREME COURT OF NEW HAMPSHIRE.

HON. LEWIS W. CLARK.
1898.

HON. SAMUEL DANA BELL.
1859–1864.

HON. CHARLES DOE.
1876–1896.

HON ALONZO P. CARPENTER.
1896–1898.

HON. J. EVERETT SARGENT.
1873–1874.

HON. HENRY A. BELLOWS.
1869–1873.

From advance sheets Supreme Court of the States and Provinces of North America.

my boy, or to come nearer home to almost all men, you yourself when a boy. Which is wiser for the state or the boy? To sentence him to 30 days in prison, with the companionship of criminals, and with what is tenfold worse, the ineffaceable brand of "jail bird" attached to him, or to give him five blows on the bare back with a birch.

In England this summer, where the rod is used for juvenile offenders, I was told of a magistrate, who gave the boy or the parent, the option of being whipped by the parent or his officer in the presence of the court or his deputy, "well laid on" or of being sent to jail.

Is there a sane father in the world, that in such an alternative, would have chosen the jail for his son rather than the rod?

The New York Journal, who would consent that the wife beater be flogged, has lately published a series of articles, concerning a boy who has been publicly flogged in Delaware for a petty offence. That boy had been previously sentenced for theft and served his time. If we remember correctly the boy could not have been sent to the whipping post for the first offense in Delaware. But the second offense he was sentenced to the whipping post.

It seems to the writer, that had the boy been sentenced in New York the second time, he would have irresistably joined the long army of criminals we constantly recruit here. Nothing could have saved him. But the whipping post in Delaware was a merciful place for him, and that it will prove his salvation. He is a white boy. He is young. He did not have to go to jail. He was not sentenced to consort with thieves and criminals. He lives in Delaware. He will not forget the blows of the cat on his back, and he will never come back again for its repetition. He will not be, we venture to predict, the first white boy or man that comes the second time to the "whipping post" in Delaware. If I prove a true prophet, may not his father and his mother thank Delaware, that this much abused and derided "whipping post" has proved the savation of their son?

CHRISTIAN SCIENCE AND THE LAW.

BY CLARK BELL, ESQ., LL. D., OF NEW YORK.

The New York Morning Journal, which, as an organ, attempts to reflect public opinion as it is seen by the editor, regarding proposed legislation, says:

Legislation has been introduced at Albany tending to the regulation of Christian Science.

Many unjust attacks are made on the Christian Scientists. There is much good in their teachings. It would be unwise and harmful—impossible, also—to suppress the line of thought—as old as human emotion—which finds its expression in "Christian Science."

There is no doubt that our mental condition affects physical conditions very greatly. There is not the slightest doubt that cheerfulness conduces to health, nor is there any doubt that gloomy, hypochondriacal imaginings often induce disease.

It is an absolute fact, of course, that medical remedies, or surgery, are necessary when disease reaches a certain point.

On the other hand, the same journal says:

Any Christian Scientist who professes through his science to cure diseases that call for surgery or actual medical skill should be prosecuted and locked up promptly. The Christian Scientist who treats typhoid fever by Christian Science of course runs the risk of committing murder. He should be classed with the African voodoo doctor or other "medicine man" who professes to cure a broken rib with the liver of a bat.

Again the same journal says:

What the country needs is not an especial attack on Christian Scientists, but a careful examination of ALL of those who pretend to cure serious diseases, whether they have medical certificates or not.

Of practising physicians, at least 50 per cent are utterly incompetent and should be forbidden to practice. We know of one man who died of typhoid fever after a regular physician had industriously treated him for grip. This happened very recently.

That doctor should now be sitting in jail alongside the Christian Scientists who propose to cure a broken leg by telling the sufferer that his leg is really not broken.

In the February number of the Arena, Edward A. Jenks, A. M., although not a clergyman, and certainly not a Christian

Scientist. in an elaborate article, entitled "Theological Views of a Layman," going over the whole field of the religion of Christ, makes statements concerning what is now termed Christian Science, which may serve to illustrate the difficulties that lie in the way of what is proposed, and sought for, by those who favor grappling with the questions involved by punitive legislation:

Jesus healed all manner of diseases, and restored the sin-sick souls and bodies of men to their normal condition. Singularly enough, while there is abundant record in the Gospels of the diseases and sicknesses of others, there is no record that Jesus, or his disciples, were sick a minute during all his ministry.

Theoretically, then, while there are no such things in the universe as cold, darkness, disease, pain, and sin (evil), we must meet their practical existence with protective measures. Darkness and cold we can manage; how about sin and disease? Here we have to call in Jesus, the Divine Healer, and follow closely his teachings and example, and trust his promises. And it is a significant fact that in the Anglo-Saxon of the three or four hundred years ago, "Jesus" is usually translated Haelend, literally "healer," that is Savior. If one read the Gospel carefuly with reference to this question of healing disease, he will be struck, perhaps for the first time, with the prevalence in Chrst's public life of this method of ameliorating human sufferng. One of the chief objects of his whole ministry seemed to be to teach mankind that death from disease was not a physical necessity, but that man should live out his naturally allotted days and then "fall asleep."

Christ seems to have healed ten times where he preached once (showing that practice is more than preaching). And no fact of gospel history is more familiar than this, that he delegated his wonderful healing power—God power— to his Apostles and the Seventy, and to his followers everywhere and for all time, with the most extraordinary and emphatic and specific promises—which somehow we hesitate to believe. And the Christian Church, for two or three hundred years in this respect, "followed" Christ. Then came a falling away, till the Church settled back into spiritual lassitude, and into passive belief that the "days of miracles" were ended, that the healing of diseases through the Christ-power and the Christ-love had vanished from the earth, that the seed of the woman had no longer the strength or the disposition to bruise the serpents head and to restore man to his pristine purity and that henceforth specific and earnest prayers for specific things need not expect specific answers;—and for fifteen hundred years the Church has faithfully followed this doubtful trail.

It were well to glean truth from any field, and take it to our hearts wherever we can find it. So far, then, as Mrs. Mary Baker Eddy teaches the necessity of returning unequivocally to the prac-

tice of divine healing as exemplified in the life of Christ and his immediate followers, she is right. "In Christ shall all be made alive." It is a subject well worth careful study (in a devout spirit) by every one who professes to be a follower and lover of Jesus. It cannot be sneered into obscurity, nor smothered into ridicule, nor cavalierly waved aside by a contemptous motion of the hand. It is vital. I believe every genuine Christian Scientist, no matter of what denomination or church he has been a member, is the better and nobler for his belief. It brings Christ, the great Healer and Savior of the world and of individual sinners, nearer his heart than ever before.

The church everywhere, of "whatever name or sign," should hasten to incorporate that feature of Mrs. Eddy's teachings into its body and life, if upon a careful and exhaustive and earnest examination of the subject it finds it is really the "lost chord" of the Christian Church come to life again. To do this it is not necessary to become Christian Scientists; indeed, that would seem impossible with many minds, because Mrs. Eddy's philosophy, or metaphysics, or science, apparently makes havoc of logic and antagonizes every scholar renowned as physicist or philosopher. But this great truth, if it be truth, apparently just now uncovered, from its burial of ages, is free to all.

Mental therepeutics, now almost universally recognized by thoroughly equipped physicians as a handmaid to successful practice, must not be "cabin'd, cribb'd, confin'd," to the influence merely of one strong mind upon another, or to appeals to the imagination through brown-bread pills or colored water, or through drugs preposterously diluted or attenuated. It should sound far deeper depths—nothing less than the divine. The tremendous power of mind over matter—a meaningless phrase to many because uncomprehended—a subject, however, well worth careful and independent investigation by physicians at all interested in psychic research, because of the superiority of the creative mind over the material of the creature or thing created should be given its full significance. Faith on the part of a sufferer unquestionably facilitates his recovery, but it should not and must not be considered a prerequisite to healing. The Christ-love,—the Christ-power,—divine love and power—was distinctly the curative agent two thousand years ago; and that same power (in feebler hands) is the curative element to-day. It is the fashion now for physicians who have allowed the unvexed dust of decades to embellish the covers of their mothers' Bibles to doubt the beautiful Christ-story. Would it harm them much to familiarize themselves once more with those "old wives' fables?" The story has remained unchanged for eighteen hundred years, and for all that time has been leavening (raising) the world; and it has grown more and more beautiful as more and more loving hearts have sanctified it with the incense of human love and trust.

These quotations from those who are not Christian Scientists show the trend of popular thought on the question.

A recent occurrence, where a lady who had been given up to die by her physician, called in a friend who was a Christian Scientist to pray with her, and the doctor calling found her there, and proceeded to leave the case and dismiss the nurses.

The lady died as he had previously predicted, but whether it was that he was correct as to the fatal result in his first opinion, or due to the unwarranted discharge of the nurses, we know not, but death came to the lady, and the case is made the text of numerous sermons.

The whole subject has been referred to an able committee of the Medico-Legal Society, of which Moritz Ellinger is Chairman, who are struggling with its issues, but seem unable to agree on a report.

The difficulties are well stated by the Morning Journal.

Medicine cannot be claimed to be an exact science.

When physicians give up a case, and say death must follow, it would be difficult to convict a parent for calling in, if he was a Christian, some of the Christian Scientists to see what might result. This act would hardly be held to be a crime by juries, no matter what laws were enacted.

Our people will not consent to be compelled to call a physician of any particular school, or to be punished if they do not do so.

While we might not be willing to agree with the Morning Journal, "*That the Christian Scientist who treats typhoid fever by Christian Science of course runs the risk of committing murder*," because it would lack the essential element of *intent*, under New York law, if the healer was devoutly a believer in the efficiency of prayer in such a case; or in the estimate of the Morning Journal, "*That of practicing physicians at least fifty per cent. are utterly incompetent, and should be forbidden to practice*," we realize its utterances are the natural sequences of such an agitation.

Penal statutes must be framed so as not to interfere with the religious views and opinions of the citizen.

Under our constitution, where to all is guaranteed "*the right to worship God according to the dictates of his own conscience,*" we would be bound to protect, by the full force of the law, the disciple of Buddha, in the worship of his idols in a heathen temple in Mott Street, or the devout Mahomedan, in the worship of the false prophet, when he turns his face towards Mecca in prayer, at the "hour of prayer," if in Union Square. Our opinions, our beliefs, are of no consequence except to ourselves. The oath of office of the executive of the nation, state or city, to support the constitution, must protect the citizen in the exercise of his own religious duties and convictions, no matter how far they are repugnant to our individual views.

The chief evil of this agitation will be in creating an impression that it has been caused by physicians from a low motive. It will unfairly re-act against the medical profession.

The intemperate reflection of the Morning Journal is one of the results of it on a mind not tinged at all by Christian Science.

Again, if you want to crush out a particular creed, don't give it chance to say it has been persecuted. "The blood of the martyrs are the seed of the church" is engraved by history upon the judgment of mankind.

Out of these teeming thousands of the disciples of Mrs. Eddy there are numberless ones that would go to prison with pleasure, and count as garlands all punishment that they regarded inflicted for acts justified by their religious convictions, and as they believed by their consciences.

Burning at the stake was thought, in one century, to be a good way to punish one class of thinkers by a larger class, who regarded their opinions rank heresy, and a menace to the state, but

"The Avon to the Severn runs,
The Severn to the sea;
And Wickliffe's dust shall spread abroad
Wide as the waters be."

THE WHIPPING POST AND ITS DETERRENT EFFECT.

BY CLARK BELL, ESQ., LL. D., NEW YORK CITY.

We spoke of this subject in our last issue.

There are two sides, however, to this question, and the other side is presented by an English writer. We are anxious for light and publish Mr. Jackson's views:

To The Editor of The Medico-Legal Journal;

Sir—The question of flogging is one which is always with us. As no doubt many of our readers would (perhaps quite unthinkingly) at once recommend the degrading lash if at any time they should be suddenly confronted with the problem of suppressing an sudden outbreak of serious crime, I venture, through the medium of your columns, to call their attention to the fact that a "Corporal Punishment Bill," promoted by Mr. Wharton, M. P., which came before the British House of Commons on March 28th last, was opposed by Sir M. W. Ridley and Mr. Asquith, the present and the previous Home Secretary (both being strongly opposed to the setting up of irrevocable punishments), and defeated by one of the largest majorities ever known in the House, viz., 192. I enclose copy of a leaflet which led to this Bill being thrown out by a Conservative House of Parliament, in the hope that you will be able to find room for the interesting document in your paper. It gives all the reasons why the measure was rejected, and I may add that copies of it and other literature may be had from the office of the Humanitarian League, care of Mr. Joseph Collinson, Hon. Secretary, Criminal Law and Prison Reform Department, 53 Chancery Lane, London, W. C.

Yours truly,
EDWARD BINNS JACKSON.

The leaflet referred to, issued by the Humanitarian League, contains special objections to the bill then pending in England, and arguments often made against the lash as a punishment, some of which are not new:

WHY MR. WHARTON'S FLOGGING BILL SHOULD BE REJECTED.

Because it seeks permission for County Magistrates to usurp the power of the Judges of the High Court, by enabling them in their Courts of Quarter Sessions to flog and birch men and boys for certain offences, a power which English Law does not now permit even to Judges of the High Court.

Because County Magistrates have shown by Petitions got up by them and sent to the Home Secretary that they are eager to inflict the cat and the birch upon the adult manhood and free peasantry of the English people. The Bill states that any instrument may be used specified in the sentence. It is a class of punishment which would be applied mainly to the poor and ignorant.

Because the Bill applies to England, Ireland, and Wales, but NOT to Scotland. Why is this distinction made? The Scotch are an intelligent people, who will not tolerate brutal and disgusting punishments. The last flogging sentence in Scotland was in 1838; in 1862 it was formally abolished for adults by Act of Parliament and has not since been revived.

Because crime in Ireland has diminished enormously and very few prisoners are in the Irish gaols. Why should the lash be necessary there, and placed in the hands of Magistrates over the Irish peasantry?

Because crime in Wales, with the exception of Glamorganshire, is almost unknown.

Because crime in England is decreasing, and apparently stands low at present. The Court of Assize in February, 1900, have reported the lowest averages of charges on records, and in several cases the Judge has been presented with white gloves; there is therefore no need for more stringent legislation.

Because flogging is an irrevocable punishment, which cannot be undone if an innocent man should suffer it by mistake of Magistrates or Jury. It is a punishment from which there is no appeal to another Court. Flogging in this Bill applies to offences of which men and boys are often accused by women and girls out of malice, revenge, or for blackmailing purposes. The provincial press teems with reports of such cases. The Bill therefore would make innocent and respectable men liable to a degrading penalty.

Because flogging, as applied to men and not to women, is unjust. If it is right to flog one sex, it is right to flog the other. Flogging is wrong for both sexes equally.

Because flogging does not deter. The belief that garroting was put down in London by flogging is entirely erroneous, and has been authoritatively refuted by Lord Aberdare and successive Home Secretaries. The late Chairman of the Board of Directors of Convict Prisons has told us in unmistakable language that flogging had nothing whatever to do with the so-called extinction of garrotting. Moreover, the Criminal Statistics of the Home Office show that where a Flogging Judge has regularly attended a particular Court of Assize, the crimes of garrotting and robbery with violence have increased instead of diminishing. For example: The crimes of robbery with violence have been more numerous under the present Recorder of London than they were before. The crimes of robbery with violence at Liverpool Assizes under a Flogging Judge increased from 56 cases in 1882 to 79 in 1893. They declined elsewhere.

Because flogging was general in the early part of the century,

PROMINENT SANITARIANS IN FAVOR OF LEGISLATION TO PREVENT SPREAD OF TUBERCULOSIS.

HON. ABRAM H. DAILEY,
of Brooklyn, N. Y.,
Vice Pres. American Congress of Tuberculosis.

DR. T. D. CROTHERS,
of Hartford, Conn.,
Vice Pres. American Congress of Tuberculosis.

PROF. THOS. BASSETT KEYES,
of Chicago,
Vice Pres. Am. Congress of Tuberculosis.

SIR JAMES A. GRANT,
of Ottawa,
Pres. of the Canadian Society for the Prevention of Tuberculosis.

DR. J. J. GIBSON,
State Veterinarian, Iowa,
Vice Pres. Am. Congress of Tuberculosis.

DR. GEO. G. VERBRYCK,
Vice President for Wyoming,
Cambria, Wyoming.

MIHRAN K. KASSALIAN, M. D.,
of Philadelphia, Pa.

DR. T. B. LACEY,
Vice President for Iowa,
Council Bluffs, Iowa.

and yet crime was greater and more widespread than now. Flogging is a failure: that is the clear verdict of history and experience. Why, then, should we, on the eve of the 20th century, return to the barbarities of our forefathers?

Because flogging has been discontinued by other civilized countries for offences against the criminal law; even Russia having abandoned it in her Criminal Courts. Is England to be below the level of Russia and on a level with China?

Because the English people in the past have not had such confidence in the County Justices, in their administration of the Law, as to wish to increase their powers; nor will the Judges of the High Court approve of their own restricted power being handed over to men from whose sentences there is no appeal.

Men of all parties are therefore urged to join hands to defeat the extension of a degrading and useless punishment.

I do not reply to these reasons on the leaflet. The whole subject was treated at great length before the Medico-Legal Society, on the occasion of the reading of the paper of the Hon. Simeon E. Baldwin, of the Supreme Court of Connecticut. Vide June number Journal, 1899.

The question of the deterrent effect of the lash does not depend at all, or rather very little, on how far it was instrumental in putting down garrotting. It would, however, be safer to investigate the facts in that respect, than to take the opinion of the Chairman of the Board of Directors of the Convict Prisons. The views of a magistrate, of its practical working would be of more value than such a chairman's would or might be. The views of one might be abstract, and the other concrete and practical.

The contrast between the robbing with violence at Liverpool, under a flogging judge and the London Recorder, would be light from only a single lamp, and so distracted by side lights and questions as not to be even a rush light on the issue.

The Humanitarian League start with the wrong assumption. What is merciful? What is humane?

Will that Society open its great heart to the wail of the poor wife, bruised and bleeding under the blows of her drunken husband? Will it shed a tear over the misery of the babe of the stricken mother? Why is its sentiment so strong for the

drunken father, as to put out of sight the wife, the mother, the child?

Which is the more degrading to your child, or my child, the birch on the back, or a cell in prison, with the companionship of thieves and criminals?

Which is the worst brand for a boy, the scars of the rod on the bare back, or the brand "jail-bird" on the brow?

The leaflets contain an uncalled-for reflection on the county magistrates of England. The discretion is quite safe in their hands. It would be time to talk of abuses when abuses came.

Imprisonment simply seems an inadequate and an imperfect punishment for wife-beaters and for minor offences by juveniles.

The rod seems to work better where it is and has been tried.

It is a mock and a false humanity that spares the rod with a child, and spoils him. It does not seem to save him, or bring him out of the error of his ways as does the humane, wise and judicious application of the birch. It is not a merely sentimental question, it is a profound problem in political economy.

THE CANADIAN ASSOCIATION FOR THE PREVENTION OF TUBERCULOSIS.

BY CLARK BELL, ESQ., LL. D., OF THE NEW YORK BAR.

On the occasion of the meeting of the Canadian Medical Association, at Ottawa, on September 13, 1900, at an informal meeting, an association for the prevention of tuberculosis was organized provisionally, under the Honorary Presidency of the Governor General of the Dominion, his excellency, the Earl of Minto, and resolutions were adopted looking toward the organization of an association for the Dominion, which should represent all the Canadas. A provisional committee was named to arrange for a general conference looking toward that end. The provisional committee is arranged for a general conference, with a careful programme, for a general discussion of the resolutions, and the formal organization of the Associations.

The conference was held at Ottawa, at the Convocation Hall of the Normal School, and was attended by representative men of all the professions, from every province in the Dominion, and the general public took a deep interest in its work and deliberations.

His excellency, the Governor General, Earl Minto, presided. Upon the platform were Dr. Borden, Minister of Militia; Mr. Fisher, Minister of Agriculture; Dr. Roddick, M. P.; Senator Sir Wm. Hingston; Mayor Morris, of Ottawa; Hon. S. Shimizu, Japanese Consul General.

The Governor General said, in opening the Congress, among other things:

He hoped the expert opinion brought to bear at the discussions might not only assist the public to some knowledge of the dread disease which besets them; but would encourage citizens generally to unite in one body to try and repel its ravages. Success must to a very large extent depend upon the assurance and good-will of the public at large.

Ten years ago the annual deaths from consumption in Ontario numbered 2400. In 1889 they had gone up to 3405. Of course even allowing for this, it was a very considerable increase. From 1887 to 1898 the deaths from small-pox were only 21. The small mortality from small-pox was very encouraging, as showing what can be done by preventive measures.

Mr. Morris, the Mayor of Ottawa read an address, welcoming the conference to the Capital of the Dominion, in behalf of the city council, and expressing the hope that their deliberations would have practical and successful results.

Sir James A. Grant, M. D., on taking the chair, delivered and opening address, from which we quote in part. He said:

That this was the twentieth year of the discovery of the Tuberculosis germ. The yearly death rate in this country was estimated at between seven and eight thousand, and in the neighboring Republic about 150,000 annually. In Great Britain and the Continent of Europe, the results from this malady were not encouraging.

Sir. Wm. Hingston, member of the Senate from Montreal, then moved the adoption of the following resolution:

Whereas, In view of the general prevalence of Tuberculosis in Canada, and of the very high mortality caused by the disease; in view of the communicable nature of the same, and of the constant and continued dangers caused by its chronic and unusually prolonged course, during which a patient may infect not only one house, but many other places of temporary or permanent abode; and especially in view of scientific facts going to show the curability as well as the moderately contagious character of the disease in its early stages.

Resolved, That in the opinion of this conference, which represents the governments and people of every part of Canada; it is the duty of every government, municipality, and individual citizen, to adopt organized methods for lessening the spread of a disease, which is causing directly or indirectly probably one-fifth of the total deaths in the Dominion.

Sir William supported the resolution with remarks, from which we quote in part:

He took strong grounds that tuberculosis is not an hereditary disease. "If it is, we may simply fold our arms and lie down and die. Consumption is not confined to the lungs; we may have it in the liver, the kidneys, the bones, in the knee-joints." He had seen it on the lips of a young lady teacher who scratched her lip with a pencil. The bacillus enters the lungs from the air. People are not careful. They spit indiscriminately. The germ in the sputum lives for months, and is disseminated by the atmosphere. It is scattered by ladies with long skirts, by much-handled bank bills, etc. It is not hereditary; it is preventable; it is curable, not in

the last stages, but in the early stages. For the consolation of those who could not afford it, he said change of climate was not so important, and friends should never consent to people going to Florida, and afar off, to die away from home.

The motion was seconded by Dr. Lafferty, of Calgary. He said:

The disease is curable, and emphasized the importance of the duty devolving on governments to establish sanitariums properly located in parts of the country where the climatic conditions were favorable. The Alberta district, where he came from, was being over-run by outsiders suffering from this disease, looking for health, and unless restrictive measures were taken by the government the district would have to take strong measures to protect itself. He thought the Dominion Government should pay for the erection and controlling of sanitariums.

Dr. Fagan, of Victoria, B. C., also supported the motion. He said among other things:

That he was a delegate from the Government of British Columbia, and he was sure that that Province would do its whole duty in carrying out the spirit of the resolution and the wishes of the Association.

That he believed, if proper preventive measures were carried out the ravages of the disease would be reduced one-half in five years.

Dr. Guerin, wo represented Quebec, spoke, and among other things said:

That all physicians now regarded the disease as curable. That fresh air and God's sun were among the greatest of the curative agents, and they could be had for the asking anywhere.

Sanitariums he thought should be so located that the poor could have their beneficent use, without the expense of sending their families away. He thought location was of less consequence than some others, who attached more importance than he did to purely climatic considerations. In so far as the government of Quebec was concerned, he was sure that it was quite alive to its full duty, but he thought the Government of the Dominion should assume some of the responsibility.

The resolution was advocated strongly by Prof. James Stewart, of Montreal.

Hon. Sidney Fisher strongly urged:

The importance and duty of education of the people as to the facts, to create a public sentiment which would demand legislation.

That preventive legislation would require a strong moral and intelligent support from the educated classes, to maintain coercion measures. He was connected with the Health Department of the Federal Government, and that his department had sent out 50,000

copies of Dr. Farrall's pamphlets on tuberculosis chiefly to doctors and teachers.

Dr. Dube, of Montreal, strongly opposed the theory of the heredity of tuberculosis, citing facts relating to a large number number of foundling children. He claimed that only two cases han been found in that class.

Dr. A. Lapthorn Smith, of Montreal, suggested that cards, containing the prominent facts regarding the spread of the disease, and its contagious effects, should be sent to the schools and to pupils at least once a month.

Dr. T. G. Roddick, Esq, Member of Parliament for Montreal, then moved the following resolution :

Whereas, the British North American Act places the duty of legislating in regard to municipal health matters, upon the various Provinces of Canada,

Resolved, That this Conference does especially urge upon those governments, and all Municipal Councils and Boards of Health, the enactment of such legislation as will,—

1. Encourage the notification of all cases of tuberculosis,

2. Tend to prevent the spread of infection through expectorating in public buildings and conveyances,

3. Extend the inspection of places where working people assemble, with a view to improving their ventilation, lighting, and general sanitation,

4. Assist in preventing the spread of the disease through milk and meat of animals,

5. Aid in providing some scheme, such as that placed on the Statutes of Ontario in 1900, whereby organized effort of the people may be assisted by governmental and municipal aid in providing Sanatoria or "Homes," where the curable may be given an opportunity to recover, and the advanced cases cared for with comfort to themselves and with freedom of danger to those in the homes to which they belong.

Dr. Roddick, in supporting the resolution, spoke in favor of cremation of all dead bodies where the deceased had suffered from contagious desease, as a proper sanitary precaution in the interest of the living, and as a conservative, prudent, preventive measure :

He claimed that the law should make it obligatory in all cases of death from tuberculosis. He thoroughly condemned the laxity of existing regulations respecting expectoration on the asphalt pavements, in streets and in railway cars.

He urged the establishment of a Health Bureau by the Dominion Government.

Dr. A. P. Reid, Secretary of the Provincial Board of Health of Nova Scotia, of Halifax representing that province, seconded the resolution. In his remarks, Dr. Reid said :

He thought the human race were entitled to at least as wise preventive treatment, as was provided by law for the cows and lower animals.

He thought every emigrant should be compelled to pass the tuberculine test.

D. E. P. Lachepelle. Chairman of the Provincial Board of Health of Quebec :

He strongly favored the resolution, and suggested that an amendment, that sanitation should be taught in the public schools, would be wise and add streng... to the resolution.

The conference here took a recess.

At the second session Sir James Grant again presided. The floor was awarded to Dr. Hamilton, of Montreal. He favored education of the masses, rather than drastic legislation :

He spoke of the great power and influences the churches could exercise on public sentiment, if the local boards would set apart one evening a week to the discussion of this subject, and believed that many people could thus be reached and influenced, who would otherwise be quite inaccessible.

The school and the clergy should be utilized as enormous factors in this class of education of the public mind.

Dr. Macdonald, of Brandon, Manitoba, believed,

That an amendment should be made to the resolution embracing the Federal Government, as well as the Provincial.

He strongly favored air, sunshine and light. He claimed that the experience of physicians who have treated consumption, with sunshine, pure air, good food, etc., had demonstrated that these were the successful lines of effort, and that if followed up, in our practice, would greatly mitigate the severity of the disease.

Lieut. Col. MacRae, of Guelph, spoke :

He expressed great surprise that no reason has been given or attempted to be made for the largely increasing generality of Tuberculosis in Canada, when contrasted with other countries. It was increasing largely with us and decreasing in many places. This point should be taken up and well considered.

He expressed surprise also that no stress had been laid on crowded dwellings. He inquired if science could now determine at what point a tuberculous patient became dangerous.

He differed entirely with those who spoke so thoughtlessly as to the meat of tuberculous animals. He protested against it and said that infinite harm had been done to the Canadian cattle trading interests in this way by thoughtless and careless statements.

He quoted Dr. Osler as having said that it was very doubtful whether the contagion of tuberculosis in animals ever spread in this manner. He called attention to the fact that domestic animals were subject to and suffering by this disease.

Dr. Fraser, of Brandon, Manitoba, spoke of the great prevalence of tuberculosis among the Indians. He said:

That none fell so easily a prey to the dread disease as the North American Indian. He believed that full 95 per cent of all diseases among them was of this nature. There was probably no family among all the Indians when consumption did not exist and in almost every form of the disease.

Dr. Cleroux, of Montreal, and Rev. Canon Hannington, of New Edinburgh, favored the resolution.

Dr. O. Reilly, of Toronto, spoke.

He has had charge of the General Hospital at Toronto twenty years, and concurred with those who would refuse to admit a consumptive patient to a hospital. He concurred with Col. MacRae in his views.

He deplored the fact that at present there was now no place where the consumptive patient could be sent in the first, second or third stages of the disease. He suggested a hospital like that of the Red Cross, with cottages, on each site putting about four patients in each, with the cooking in the main building.

He felt that it was a disgrace that proper hospitals for consumptives were not now in existence.

Dr. R. W. Powell, of Ottawa, concurred with Canon Hannington. He claimed:

That consumption was curable. He deprecated the clause in the Ontario Statutes prohibiting the construction of hospitals for infectious diseases less than 450 feet from other structures, and said its practical effect was bad and against public good..

The second resolution was carried unanimously.

Prof. J. G. Adami, of McGill University at Montreal, offered the third resolution:

Whereas, the Constitution of the Dominion of Canada especially delegates to the Federal Government general quarantine in matters of public health, both of men and animals, as well as matters of statistics; and in view of the fact that in tuberculosis we are dealing with a disease which not only lessens national prosperity through the loss of lives, but also by enormous expenditure through sickness and loss of labor.

Resolved, that it is the view of this Conference that in a discase whose influence extends from questions of the inspection of immigrants to that of imported cattle, and affects the output of our farms and our factories, the Federal Government may greatly assist in the fight against tuberculosis by—

1. Preventing the entrance into the country of tuberculized immigrants, and tuberculized cattle,

2. Arranging with the Registrars General of the Provinces for a system of Federal Health Statistics.

3. Establishing a Sanatorium in each of several typical Canadian climates, where under careful medical supervision the therapeutic effects of dry or moist climates may be scientifically studied, and the results published for the information of the general public,

4. Arranging with railway companies to provide special facilities, both as regards conveyances and rates, for the transportation of tuberculized patients to such Sanatoria.

Prof. Adami, in opening the discussion, said among other things:

He quoted King Edward's words on a former occasion, when as Prince of Wales, he addressed a gathering of great men. If the disease was preventable, why not prevent it. The cattle-breeding class was the mainstay of Canadian prosperity, and it was to their interest to get action taken in the direction of betterment. Bovine tuberculosis could be practically eradicated. When it goes into a country it tended to spread, and must be stopped. He took exception to Dr. Roddick's statement re compensation to those whose animals were infected. Isolation was all that was necessary. He strongly opposed Mr. Fisher's idea that health matters should be provincial. They should be national. Should one or more provinces refuse to enter such statutes for health as are fitting, it was useless for the others to take action. Banishment was not necessary. Local sanitariums could be established on the outskirts of our cities. Still, altitude and dry climate, without extremes of heat or cold, were generally better than moist or low-lying localities.

Dr. Montizambert, Director of Public Health, stated:

That the propositions of communicability and preventability of the disease were unassailable. But where were the Government? If some criterion were not accepted how were the tests to be applied? Were vessels to be held till chests were examined, etc.? The matter applied not only to seaports, but to every international point of the United States frontier. Instead of coming to Halifax people would come to Portland, and similarly on the Pacific coast. Much better work could be done at the port of departure than at the port of arrival. Less trouble in every way would be caused. He expressed his personal belief and hope that we would one day have a Canadian department of health in every civilized country, whose duty it would be to stop those intending immigrants who were tuberculized.

Dr. D. McEachern, of Montreal, read a paper giving statistics of Canadian cattle and their value, and the value of all the commodities connected with live stock, and showing the importance of preventing disease by testing and in quarantining.

It was moved by Dr. Lachapelle, of Montreal, and seconded by Dr. Chown, of Winnipeg, that the Federal Government be requested to establish a Department of Public Health, which was carried unanimously.

At the evening session the following committee was named to nominate officers for the "Canadian Association for the Prevention of Tuberculosis," which was duly organized and a constitution and by-laws adopted :

Dr. Fagen, B. C.; Dr. Lafferty, N. W. Ter.; Dr. Reid, Nova Scotia; Dr. Chown, Manitoba; Dr. Armstrong and Dr. Roddick, Quebec.

The Congress passed an address to His Excellency, the Governor General, on the death of the Queen and the accession of King Edward.

The following officers of the Association were elected :

Hon. President—His Excellency, The Right Hon. Earl of Minto, G. C. M. G., Governor General of Canada.

President—Sir James A. Grant, M. D., K. C. M. G., of Ottawa.

Vice Presidents—The Hon. Sir Oliver Mowat, G. C. M. G., Lt.-Gov. Ontario; The Hon. L. A. Jette, Lt.-Gov. Quebec; The Hon. A. G. Jones, Lt.-Gov. Nova Scotia; The Hon. A. R. McClelan, Lt.-Gov. New Brunswick; The Hon. H. D. McMillan, Lt.-Gov. Manitoba, Winnipeg; The Hon. Sir H. G. Joly de Lotbiniere, K. C. M. G., Lt.-Gov. British Columbia; The Hon. P. A. McIntyre, Lt.-Gov. Prince Edwadr Island; The Hon. A. E. Forget, Lt.-Gov. N. W. Territories; The Right Hon. Sir Wilfred Laurier, G. C. M. G., P. C. Ottawa; The Right Hon. Sir Chas. Tupper, Bart., G. C. M. G., C. B., London, England; The Right Hon. Lord Strathcona and Mount Royal, London, England; The Commissioner of the Yukon, Dawson City.

Advisory Council—Quebec, Dr. LaChapelle, Hon. Senator Drummond; Prince Edward Island, Dr. Blanchard, Hon. Mr. Ferguson; Ontario, Dr. Johnston, M. P., W. C. Edwards, M. P.; North West Territories, Dr. Lafferty Calgery, Hon. Mr. Hautlain; Nova Scotia, Dr. Reid, Halifax, Hon. Mr. Muncy; New Brunswick, Dr. Thos. Walker, Sr., Hon. Senator Ellis; Manitoba, Dr. Blanchard, Hon. Mr. Robling; British Columbia, Dr. Fagan, Premier Dunsmuir.

Executive Committee—Sir James Grant, M. D., K. C. M. G., Dr. E. J. Barrick, Dr. R. W. Powell, Hon. Sydney Fisher, Hon. R. R. Dobell, Mr. W. C. Edwards, M. P., Dr. F. Montizambert, Prof. J. W. Robertson, Mr. Geo. H. Perley, Mr. C. B. Powell, M. P. P., Mr. A. W. Fleck, Mr. R. L. Borden, M. P., Dr. T. G. Roddick, M. P., Dr. J. H. Neilson, Mr. J. M. Cortney, C. M. G.

Sub-Committees—Finance, Hon. R. R. Dobell, Mr. W. C. Edwards, M. P., Mr. Geo. H. Perley, Mr. E. B. Eddy, Mr. J. M. Courtney, C. M. G. Publication, Dr. F. Montizambert, Prof. J. W. Robertson, Dr. E. J. Barrick, Dr. R. W. Powell, Dr. J. H. Neilson.

Medical Counsel—Dr. A. J. Richer, Montreal.

Secretary—Rev. C. S. Eby, D. D.

Treasurer—Mr. J. M. Courttney, C. M. G.

SENATOR DEPEW ON THE SHIP SUBSIDY BILL.

BY CLARK BELL, ESQ., LL. D., NEW YORK CITY.

The speech of Senator Depew in the Senate favoring an act to restore the supremacy of the American flag as the foremost carrier of the world's produce, on the sea, is the ablest and most serious effort of his life. Mr. Depew says:—

"To return to a brief investigation of why a people who showed such marked genius for the sea at their beginnings should have developed in such a marvelous way upon the land and surrendered their position upon the ocean to countries as insignificant in population and power, compared with ourselves, as Norway, with 2,000,000 of people, and Belgium, with 6,000,000. In 1807, with a population of 7,000,000, the United States had a larger registered tonnage for the foreign trade than in 1901, with 77,000,000 of people. In 1852 the United States was foremost among maritime nations, and now is the least. We constructed at that time a greater tonnage than Great Britain or any other nation, while in 1898 we built of ocean-going steam vessels a tonnage of 16,382, against Germany of 130,667 and England of 1,301,325. There is but one line, of four ships, carrying the American flag and having an American registry between United States and Europe. There are not ten American ships in the Pacific trade available for the development of the Philippines and the commerce we expect in the Orient.

It requires about 5,000,000 tons of shipping for the transportation of our foreign commerce, valued last year at about two thousand millions of dollars. Of that 5,000,000 tons of shipping the United States has only about 350,000 tons in the foreign and deep-sea trade. There is but one answer to the question of this almost inconceivable discrepancy between progress on the land and on the sea; and that is that our statesmanship has neglected the ocean and permitted our own commerce to slip out of our hands. Washington, Jefferson and Hamilton and other patriots devised the same system of protection of our merchant fleet as they did for the development of our industries. In fact, they passed the bill to promote commerce upon the ocean before they did the famous tariff law of Washington's Administration. It was under the operation of tonnage charges in favor of American vessels and the discriminating duties for goods carried in American bottoms that we carried ninety-one per cent of our commerce in 1828 against eight per cent of our commerce in 1900."

Whatever may have been the reasons, the objections or the causes; whether defects in the bill, the demands of partisan politics, or the influences that have in the past kept back the advance of American interests on the high sea; it should not be forgotten that the senior senator from the great metropolis of the world has not been recreant to his duty to the interests of the State or the City of New York.

FOREIGN PHYSICIANS IN ITALY.

BY CLARK BELL, ESQ., LL. D., NEW YORK CITY.

The law of Italy forbids the practice of medicine to those who have not been duly qualified by some authorized licensing body in Italy, with this clause:—

From this prohibition are excepted foreign physicians and surgeons expressly called for special cases, and those who possessing the diploma of a foreign university or school of medicine, exercises their profession among foreigners.

The amendment now proposed to the existing law in Italy is as follows:—

To substitute for the clause quoted above the following:—

From this prohibition are excepted foreign physicians and surgeons, expressly called for special cases, or attached exclusively to the service of a particular person or family, whom they accompany in travelling; and those who possessing a diploma of a foreign university, or school of medicine, exercise their profession among their compatriots only, always provided, however, that they (i. e. the foreign physicians and surgeons), belong to a state which accords the reciprocity of treatment in regard to academic degrees and freedom of practice.

On the same conditions as above these foreign physicians an dsurgeons are also excepted who possess diplomas of universities or schools of medicine considered by the Superior Council of Public Instruction as equivalent to those confirmed by the universities or schools of medicine in Italy.

The regulations now as to medical practice in New York need revision in this regard.

A man of the highest education and distinction, holding a diploma from one of the first universities in Italy, endorsed by professors of the front rank, applied to the Medico-Legal Society for membership. The claim was recognized. He spoke only Italian and French, desired to practice in the Italian Colony and French Colony because of his imperfect knowledge and his diploma and higher education ignored by officials and his diploma and higher education ignored by the officials

in every way inferior to him in medical education, medical attainments medical experience and practice.

The amendment proposed is doubtless inspired by the knowledge of such incidents occurring here, reaching Italy. but the proposed amendment there is much more enlightened and liberal than our present law, which should be amended, at least to conform to the proposed change in the Italian statute.

Our New York statute also operates with particular hardship as to eminent physicians of other States who come to this State to reside and practice. We understand that the Board refuses to recognize the schools of the highest grade and require men of eminence to go before an examining Board, who have graduated at the best schools in the world. This is hardly a compliance with the provisions of our constitution as to the comily between States. It also gives occasion for public scandal as to the fees charged by the Board official from eminent men who should be admitted on presentation of dipomas of recognized distinction anywhere in the world.

SENATOR CHANDLER, OF NEW HAMPSHIRE.

BY CLARK BELL, ESQ., LL. D., NEW YORK CITY.

The Senate of the United States loses one of its ablest members and one of its most conspicuous figures, when Senator Wm.E.Chandler retires. In public life since 1862 when he entered the lower house, he has been an ornament to the Senate and an honor to New Hampshire whom he had so long represented in the Senate. His whole public record has been clean, and his place cannot be filled easily. Mr. Henry E. Burnham who succeeds him, is a graduate from Dartmouth in 1865, a member of the present Congress, was probate judge of Hillsboro County 1876 to 1879, in the House of Representatives 1873 to 1874, and of the Constitutional Convention of 1899.

The circumstances which led to the change relating to internal differences of the State,we do not understand, nor care to define. They are most unfortunate. It is a great loss to New Hampshire to lose the services of such a man as Senator Chandler with his long and varied experiences in the councils of the nation; and a still greater loss to the country.

No one, however gifted, could expect, without extended service, to exercise the influence in the Senate he has done.

With his long and honorable service, and his commanding position in the nation it will no doubt place him, where the Administration can call him into more distinguished public place, for which he is perhaps one of the most competent men of his years, now in the nation.

ABRAHAM LINCOLN.

BY CLARK BELL, ESQ., LL. D, OF NEW YORK CITY.

The birthday of Lincoln was celebrated this year with more than ordinary patriotic effusions, and the law making it a national holiday seems to grow in favor in the public mind.

In New York the oration was pronounced by Henry Watterson who was an officer in the Confederate army and one of the most eloquent of that Cradle of Eloquence—Kentucky.

The best oration the writer ever listened to upon the life and character of Lincoln was delivered by the Rev. Dr. Duffield, of New York city, before the Patria Club a few days after the anniversary. Without ever having known or seen Lincoln, he had made his life and character a sacred study and if it ever sees the light it will be ranked as a classic by our people.

Hon. Joseph H. Choate made the life and character of Lincoln the theme of an oration last November in England, and this has come to us, full of that masterly eloquence, that has placed Mr. Choate among the ablest orators of his time.

Those, however, who knew Lincoln, and loved him and saw him in the heat of the supreme conflict when he held the reins of Government and commanded the armies of the Union in a conflict that shook the whole structure of the government of the American people to its very foundations, knew him best and revere him most.

The writer was present at his first and second inauguration, was a witness to his acts of greatness and tenderness, and all his feelings and reminiscences are colored by the sadness of that marvellously melancholy face,and the ineffable sweetness of his smile when the shadow that almost constantly rested on his heart was averted or banished by news from the front.

If as one orator has said we may regard Lincoln as an ob-

SUPREME COURT OF MINNESOTA.

The Judges elected to take seats January 1, 1900.

HON. JOHN A. LOVELY,
of St. Paul, Minn.

HON. CHARLES L. BROWN,
of Morris, Minn.

HON. CHARLES L. LEWIS.
of Duluth, Minn.

From advance sheets Supreme Court of the States and Provinces of North America.

elisque, standing solitary and alone, to measure him wisely and well, we may need the enchantment which distance and time lend to the view. To my mind as the figure recedes it enlarges.

If we could see it to-day at such a distance as we regard Washington it would all the while grow upon the minds of men.

When some centuries shall have passed so that the vista is long enough in time to make the obelisk of each, stand like fixed stars or apparently the same plane of distance, to the vision, the splendor of these stars, when thus contracted after the lapse of many centuries, it will be seen that measured by the noblest qualities which crown and embellish a life, the lustre of the last will outshine that of the first of the American Presidents in the constellation of our country in the Heavens of the Universe.

THE DEATH OF VICTORIA, QUEEN OF ENGLAND.

BY CLARK BELL, ESQ., LL. D., OF NEW YORK CITY.

The end of the Victorian reign will be identified in the history of the world as occurring at the opening of the 20th century.

Nothing in the past century, no single factor, is comparable to this reign exceeding three score years, and nearly two-thirds of the closing years of her century.

The severest critics of the English throne have never laid to her charge the commission of any great wrong, in her long and useful life. Whatever may have been charged against the Government of England, in these long and eventful years in India, in Egypt, in Ireland, in Africa, and the recent tragedy for that country in South Africa, no blame has rested on the dead Queen. "She reigned simply, she did not rule," as the great middle class of Englishmen, who really govern Great Britain, have often said and all knew.

She surrendered her Royal Prerogative of Pardon, to her ministers, when a young girl of 18, acting under their advice, that it would save her great care, worry and distress of mind to attempt its exercise, and she never resumed or exercised it in all her life until it has come to be said by great English statesmen, that the Queen of England could not pardon save by and on the advice of the Home Minister. It is true that for more than sixty years she has never once done so, save under their advice.

Her strength, was in that she never interfered with the administration of the government. No matter which party was in power, her resistance to any measure was never considered, never occurred, despite and notwithstanding, she allowed her preferences for one Premier to be known, it never had the

slightest effect upon the measures proposed by the one whom it was known she disliked.

Few men in the world, few rulers can come at the close of such a long and busy life, in the light of that glamor that is cast upon the occupant of a throne, and have such a splendid record to the good.

She was never in the slightest degree responsible for the wrongs done by the English Government. In great events she was probably never consulted, except in the most perfunctory manner, by those who really governed England, and settled the policy of the government. Perhaps the nearest she ever came to any act that could be construed as even a suggestion, was in allowing her people to know her profound and deep regret for the attitude of England in the war with the Boers in South Africa.

The terrible punishment inflicted upon England by the Boers, the chagrin, the discomfiture, the awful defeats, the loss of prestige, the exposure of the incapacity of the British officers in such a war, more cutting and severe, with so inferior a people, in numbers as the Boers were, and the awful loss of the best blood of the very flower of the English people, broke the heart of the aged and grief-stricken Queen, and she did not and seemingly could not hide it from them or the world.

Universally respected, with a strong hold upon American sympathy, for the sterling qualities of an exalted womanhood, she passed into history as one of the noblest among women, who had consecrated her life, to what she regarded as the highest and best interests of the British people.

LUNACY LEGISLATION IN NEW YORK.

BY CLARK BELL, ESQ., LL. D., OF NEW YORK CITY.

Mr. Senator Brackett has introduced an act in the New York Senate amending our existing Lunacy Statute, in important respects most of which it is understood meets with the approval of Governor Cornell. The most important and commendable amendment is that striking out of the present law as a qualification for the Chairman of the Commission the following words now in the act: "Who has had five years actual experience in the care and treatment of the insane and who has had experience in the management of institutions for the insane."

The law as it stands at present provides, "one of them who shall be President of the Commission shall be a reputable Physician, a graduate of one of the corporate Medical Colleges of at least ten years experience in the actual practice of his profession."

This amendment is one that should be adopted. The restriction in the bill is against public policy and was due to a desire by the authors of the bill to limit it to a few names.

The amendment should go further. The Governor should not be restricted in selecting the president of the commission and compelled to appoint a Physician at all. The principle that underlies this restrictive legislation is vicious.

The best chairman of a lunacy commission the world has ever seen was the Earl of Shaftsbury, who for more than a generation stood at the head of the lunacy commission of England. To his splendid qualities and great executive ability is due the wonderful changes wrought in the lunacy system of England which commencing in 1845 placed that country in the vanguard of lunacy reform. No Physician in the world could have accomplished what he did, as Chairman of the English Lunacy Commission.

There are very few physicians who would be fit and fully competent and capable to worthily fill this office. Dr. P. M. Wise is an exception and his management of the office has been splendid and worthy of all praise. Such a man as the Hon. Wm. P. Letchworth, or the late Oscar Craig, are the ideal men for such a position.

There is no objection to having a physician on the board, but he should not be at the head of it. The education of our physicians is such as not to fit them for the discharge of offices requiring great executive ability. They are contracted rather than expanded by their peculiar education.

The other amendments relate to salaries and compensation and have been found necessary in experience to meet exigencies in the past.

At the meeting of the Executive Committee of the Medico-Legal Society, the Brackett Bill was considered at a large meeting, and after a full discussion, it was

Resolved, That this Board favor the passage of the amendment to the act relating to the Lunacy Commission.

Resolved, That we recommend that the law be further amended so that the Governor would be entirely unrestricted, as to Chairman of the Lunacy Commission. That the President be authorized to present the views of this body to the Governor and the Legislature, and be authorized to appoint a committee to present them before any legislative committee.

The committee were also unanimous in the opinion that this appointment should be made without any reference to party politics, and that this office is one that should be non-partizan so far as possible.

SANITATION AND PROGRESS.

BY CLARK BELL, ESQ., LL. D., OF NEW YORK CITY.

Surgeon General Walter Wyman, M. D., M. H. S., made a masterly presentation of this theme, by an address made at the Pan American Medical Congress, at Havana, on February 7, 1901. We regret that our space forbids the presentation of this paper as a whole.

Surgeon General Wyman has shown great energy and skill in the work in his charge in the Marine Hospital Service of our government, and his words lend new interest to the labors of the American Congress of Tuberculosis, that is to assemble in May next, at the Grand Central Palace, in New York.

We quote a few of the more important sentences from his address, which we are glad to see in full in the Sanitarian:

Each morning I open on my official desk a package of newspaper clippings received from the Bureau of Press Clippings in New York, containing notices of the prevalence of the several contagious diseases throughout the whole United States; and, as I note the wearisome recurrence of small-pox, diphtheria, typhoid fever and scarlet fever, the notes upon consumption, the alarms concerning yellow fever and the bubonic plague, the thought which is impressed upon me is, how seriously are we lacking in proper effort in suppressing these suppressible diseases. Nothing seems easier to me than the prevention or suppression of small-pox. In vaccination we have an absolute preventive, and in the glycerinized lymph we have a safe inoculating material absolutely devoid of the danger of exciting undue inflammation. Thus a mere scratch or a needle puncture insures, without discomfort, protection from one of the most loathsome and disfiguring diseases known.

Even after small pox has become epidemic, the methods by which it may be rapidly and surely suppressed have been so frequently demonstrated as to become now almost a matter of mere routine.

The antitoxin for diphtheria has long passed the experimental stage, and is now justly regarded as a specific—a trusty addition to the armamentarium of the physician and sanitarian.

In the treatment of the other diseases mentioned, we have for bubonic plague a specific cure and preventive, and are certainly on

the verge of the discovery of specific remedies for both tuberculosis and typhoid fever, but even without these specific remedies, the nature of the diseases is thoroughly understood and the methods of the prevention of their spread are accurate and well known.

Then why do these diseases persist? The answer is plain. It is, that sanitary administration has not kept pace with scientific knowledge. It is also evident that this scientific knowledge is not so widely diffused as it should be, even among those of whom we have a right to expect it. It is evident that we are not making "use of those means which the God of Nature has placed in our power."

With regard to cities, there is a marked necessity of a strong public sentiment requiring that municipal cleanliness shall rank as one of the foremost features of municipal government. This is a field, not for the National Government, but distinctively for the States and municipalities, whose degree of sanitary excellence is a fair exponent of their civilization and culture; for each State and each municipality has, and will continue to have, a degree of sanitary excellence commensurate only with the demands of its own people.

He also says:

That good sanitary environment, enhancing the general health, is the best means of eliminating contagious disease, is illustrated by a conversation which I have had within a week with the Director of the Hygienic Laboratory of the Marine Hospital Service, Dr. Rosenau, who has just returned, after a prolonged period of study and investigation in the Pasteur Institute in Paris. Upon inquiring as to the latest phases of scientific investigation and the trend of thought at this great intellectual centre, among other matters, he stated that there seems to have arrived a period of pause in bacteriology, or at least a spirit of inquiry as to the true relation of microbes to the diseases of which they have been considered the special agents. Dr. Rosenau's statement is as follows:

"We have lately been compelled to modify some of our notions of the causes of contagious and infectious diseases. After the brilliant discoveries by Pasteur and Koch, it was thought that the presence of the pathogenic microbe organism was like the bite of a venomous snake, surely poisonous. But now we know that there are other conditions beside the presence of the microbe necessary to produce disease. Many people go about with virulent cholera vibrio is their intestinal canal, yet they are not sick, have pneumonia. Why? Because their cells are vigorous enough to prevent the diphococci invading the lungs, but put such a person under bad sanitary conditions, or depress his vitality, and the microbes are not phagocyted—they invade the lungs and pneumonia and death follow.

We call especial attention to the words of this skilled observer, as to the medico-legal relations of these problems:

"Many people live a long and active life with tubercle bacilli

encysted in the apex of one lung. As long as they have plenty of fresh air and sunshine, and good sanitary surroundings, they remain well. But give such a person poor food or bad sanitary surroundings and see what happens. The battle going on between the bacilli and the cells results in a victory for the bacilli. The cells die and the victorious bacilli spread havoc through the lungs.. We, therefore, have a scientific proof of the sense of the old-time notions of the old-fashioned doctors, who taught the value of fresh air and sunshine, of good food and exercise, of cleanliness and dry dwellings, and we find that the conditions of health which result from such good sanitary conditions are, after all, among the very best preventives against infection."

Another good effect of sanitary excellence would be to obviate municipal deception, either in the concealment of the existence of contagious disease or by reports giving a sense of false security to other communities. This subject is one which time will not permit me to discuss, but was treated of at some length in an address which I had the honor of delivering before the Social Science Association in Washington last May. I will simply say that the greater the neglect of sanitation, the more pronounced the disease-bearing factors of a city, the more sensitive does it seem to the acknowledgment of the presence of contagion, the more determined does it become in outright denial. It is thus seen, and it is by no means a matter of imagination, that municipal morality is affected by the municipal sanitary status.

In the sanitary progress of the new century, it has occurred to me, there must be developed new classes of individuals in sanitary affairs. To-day every physician is considered, in a sense, a sanitarian; then there are the professional sanitarians, represented chiefly by those holding sanitary offices; but there are very few men to-day engaged in legislation who give any thought to sanitary legislation. We need a class of men who are versed in the law, who are skilled in framing laws, and who are familiar with the difficulties and methods of securing their enactment. The average doctor or sanitarian is as a child in these matters. Impressed with the importance and nobility of his cause, he becomes oblivious to the sentiments or even the rights of those affected unfavorably thereby. The same influences which seem to make of the doctor a poor man of business seem to make of the average sanitarian a poor man for legislation. So that it seems to me, at least in the United States, it will be necessary in the development of the ideal sanitary legislator to look for him among the lawyers rather than among the physicians. There is no reason why a good lawyer should not become adept in sanitation. I believe it to be more difficult for a good doctor to acquire legislative wisdom.

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TUBERCULOSIS AND LEGISLATION.

BY CLARK BELL, ESQ., LL. D., PRESIDENT OF THE MEDICO-LEGAL SOCIETY.

Tuberculosis has been aptly termed "The Scourge of the Human Race."

The most important subject at the opening of the new century, the one that directly threatens the lives of the largest number of human beings on the globe, is that dread spectre which faces the race from the cradle to the grave, that terrible, devastating,and merciless disease, which wastes mankind by a slow lingering death; that has increased in volume until it now heads the list of mortality among many of the races that people the earth. No other one cause sweeps from life such a large number as does consumption. We have stood as a race until the very recent past, waiting and wondering on whom its summons would fall, and not unlike the prisoners in the French Revolution, awaiting in turn the selection of the victim, to a more terrible death than that of the guillotine; because that was more merciful, in that it was swift and instantaneous. Until recently the medical faculties of all the world, however they may have differed on other questions, have been united in this: that consumption could not be cured. Save the voice of "the retired clergyman whose sands of life had nearly run out," of which we heard in our childhood days, medical science has offered no panacea, no cure for this fell destroyer.

The question of all questions in the interest of the human race; the question of the hour is : How can the ravages of tuberculosis be stayed? How can it be averted? From any standpoint from which it can be viewed, the most important factor in the solution of this grave and important problem, rests on preventive legislation. The ablest thinkers in the world, in all countries, are coming to the conclusion that no other means are so full of hope and success as this. It becomes, then, the most stupenduous question in legal medicine that has ever been brought to the consideration of the professions of law and medicine.

His Excellency, the Earl of Minto, Governor General of the Dominion of Canada, at Ottawa, on February 14th, last, in opening a conference on the "Prevention of Tuberculosis," at which the ablest men of the bar and in the medical profession from every Canadian Province were represented, said:

He hoped the expert information brought to bear at the discussions, might not only assist the public to some knowledge of the dread disease which besets them, but would encourage the public to unite in one body to try and repel its ravages. Success must to a very large extent depend upon the assurance and the goodwill of the public at large. Ten years ago the annual deaths from consumption in Ontario numbered 2400. In 1889 they had gone up to 3405. Of course, allowance must be made for the increase of the population, but even allowing for this, it was a very considerable increase. From 1887 to 1898 the total deaths from consumptive causes were 31,699, while the annual estimate for the Dominion was now between seven and eight thousand deaths a year. In the period from 1887 to 1898 the total deaths from small-pox were only twenty-one. The small mortality from small-pox was very encouraging, as showing what can be done by preventive measures.

Sir James A. Grant, M. D., the eminent physician, suggested and selected by general acclamation to preside over that conference, and who was chosen president of the "Canadian Association for the Prevention of Tuberculosis," as a result of that conference, with vice-presidents selected from the ablest jurists and medical men, two from each province, in taking the chair at the opening of that Congress, said:—

That this was the twentieth year of the discovery of the tuberculosis germ. The yearly death rate in this country was estimated at between seven and eight thousand, and in the neighboring republic about 150,000 annually. In Great Britain and the Continent of Europe, the results from this malady were not encouraging.

Sir William Hingston offered the first resolution, which had been sent out for discussion. It was as follows:—

Whereas, in view of the general prevalence of tuberculosis in Canada, and of the very high mortality caused by the disease; in view of the communicable nature of the same, and of the constant and continued dangers caused by its chronic and unusually prolonged course, during which a patient may infect not only one house, but many other places of temporary or permanent abode; and especially in view of scientific facts going to show the curability as well as the moderately contagious character of the disease in its early stages.

Resolved, that in the opinion of this conference, which represents the governments and people of every part of Canada, it is the duty of every government, municipality and individual citizen, to adopt organized methods for lessening the spread of a disease

which is causing directly or indirectly, probably one-fifth of the total deaths in the Dominion.

He supported it and in the course of his remarks, said:—

He took strong grounds that consumption is not an hereditary disease. Consumption is not confined to the lungs; we may have it in the liver, in the kidneys, the bones, in the knee-joints. He had seen it on the lips of a young lady teacher who scratched her lip with a pencil. The baccilus enters the lungs from the air. people are not careful. They spit indiscriminately. The germ in the sputum lives for months, and is disseminated by the atmosphere. It is scattered by ladies with long skirts, by much handled bank bills, etc. It is not hereditary; it is preventable; it is curable; not in the last stages, but in the early stages. For the consolation of those who could not afford it, he said change of climate was not so important, and friends should never consent to people going to Florida, and afar off, to die away from home.

The motion was seconded by Dr. Lafferty, of Calgary. He said:—

The disease is curable, and emphasized the importance of the duty devolving on governments to establish sanitariums properly located in parts of the country where the climatic conditions were favorable. The Alberta district, where he came from, was being over-run by outsiders suffering from this disease looking for health, and unlesss restrictive measures were taken by the government, the district would have to take strong measures to protect itself. He thought the Dominion government should pay for the erection and controlling of sanitoriums.

The resolution, after extended discussion from the ablest jurists, as well as medical men from every Province of Canada, was unanimously adopted.

The leading men of England, realizing the magnitude of the danger of the dread disease to the British nation, have announced a congress to be held in London in July next, at which the then Prince of Wales had consented to preside, and which will receive his cordial support now that he has come to the English throne. This congress will embrace the ablest statesmen, publicists, and medical men of Great Britain, and it is announced that the governments of several nations, beside our own, are to be invited to send delegates to that convocation, where the same question will be the uppermost one for discussion.

The Medico-Legal Society has felt that it was a neglect of duty on its part, not to bring this subject up for action and discussion; and the congress to be held by the American Congress on Tuberculosis, in joint session with the Medico-Legal

Society on the 15th and 16th of May, proximo, at the metropolis of the nation; was the result of what has seemed to be a public necessity, in an hour of great pubic urgency, and in the performance of a duty that could not be ignored.

The officers of the American Congress of Tuberculosis, which had been organized in February, 1900, on invitation from the Medico-Legal Society, consented to this joint congress, and the preliminary announcement was ordered to be sent out by the officers of both organizations, of which the following is a copy:

New York, Feb. 6. 1901.

It is announced that the Second Annual Meeting of the American Congress of Tuberculosis will be held at the Grand Central Palace, in the City of New York, on the 15th and 16th days of May, 1901, in joint session with the Medico-Legal Society of New York. That a dinner will be given to the members and guests. It is proposed to open a Museum of Pathology, Bacteriology and Public Health, with an exposition of electrical and other instruments; with the use of the power furnished at the building, which it is intended to be made most complete, educating and attractive; of all appliances used in any way in arrest or treatment of the disease.

The leading maunfacturers have enlisted already, many of them, and the display will be on an extensive scale. The objects of the Congress will be to exchange the information and experience gained throughout the world, as to forces and methods most available for the extermination of consumption, which at the present moment is a disease, the most destructive of human life of any that now afflicts humanity.

The medical profession of all countries will be invited to contribute papers to be read before this Congress, in their behalf by a committee selected for that purpose; in case of the inability of the author to attend; and to enable those who could not hope or expect to be present, to participate in the work and usefulness of the body. As the questions to be discussed involved remedial legislation, legislators, lawyers, judges, and all publicists, who take an interest in the subject, are also invited, both to enroll and contribute papers.

The papers should be forwarded to the secretary on or before the 15th day of April, and the title of the papers forthwith, to facilitate clasification, as the time is short. The enrolling fee will be $3, entitling the member to the Bulletin of the Transactions free.

The complete list of officers and committees will be announced as early as possible. The preliminary announcement is now made to obtain the names of those who will co-operate in the Congress, and an early clasification of the subjects and titles.

The Medico-Legal Society directed that the governors of

the several states and territories and of the provinces of the Dominion of Canada, should be invited to send at least three delgates from each state and province, which has been done.

The following letter has been sent to the governors of the states and provinces:

Medico-Legal Society Office of the President, 39 Broadway,
New York, Feb. 20, 1901.

Honored Sir:—Preventative legislation against the spread of tuberculosis seems to be a grand factor if not the most effective of all means left at our command in averting what has come to be "The Scourge of the Race."

In many of the states and provinces legislation favorable to the construction of state hospitals and sanitariums for the care, treatment and cure of its victims, has been secured. In many more it has been considered, and is now under contemplation.

It has arrested the public attention. It is a fruitful, a terribly pathetic, even tragic question. It is the problem of the hour.

I enclose you the preliminary announcement of the American Congress of Tuberculosis to be held in the City of New York, on the 15th and 16th of May proximo, at the Grand Central Palace, in 43rd street.

I am authorized by the Medico-Legal Society at its meeting held on the 20 inst., to invite the governors of the several American states and territories, and the governments of the Central and South American States The State Medical Societies of the United States and the Canadian provinces, of the Dominion of Canada, to name three or more delegates to attend that congress; and to present their views in regard to the best legislative means of prevention.

Will you kindly advise me of the name and address of such delegates as you may name, as early as possible, so that correspondence may be opened with them, as the time is short.

Very faithfully yours, CLARK BELL.

Invitations have been sent also to a large number of eminent men in our own and foreign countries, to attend and participate in the congress, or to contribute papers to be read and discussed at the session.

The invitation has been made to the entire medical and legal professions to co-operate, and to the officers of the state boards of health throughout the United States and the Dominion of Canada.

The following letter has been sent to a large number of prominent men of all the professions, with the intention to publish such replies as are received in time to accompany this address before the congress not only, but to have it sent, with such replies as are received; a time sufficiently long to

cnable the same to reach the most careful and competent students of the science in all professions:

Medico-Legal Society, Office of the President, 39 Broadway,
New York, March 6, 1901.

Dear Colleague:—I have the honor to mail you herewith the preliminary anouncement of the American Congress of Tuberculosis for its session, May 15th and 16th, to be held at the Grand Central Palace, in this city.

I assume that you are advised of the action of the conference held at Ottawa, Canada, February 14th, 1901, and of the organization of the "Canadian Association for the Prevention of Tuberculosis" at that time, and its action; if not, and you advise me, I will forward to you a copy of its transactions. I also assume that your attention has ben called to the "British Congress of Tuberculosis," to be held in London, July next.

Dr. Bryce, Secretary of the Board of Health of Ontario, has sent me the programme of the Ottawa conference, of February 14, 1901; and of the Ontario act respecting "Municipal Sanitoria for Consumptives," (Cap. 57 Stat. 1900), and the action of the Ottawa Provincial Board of Health of June 15th, 1900.

I have the honor to invite you to co-operate in the work proposed for May 15th and 16th, next, and to enroll you in this congress and to contribute a paper to be read before that body.

Invitation have been sent to the governors of the several American states and territories, to send each three or more delegates to this congress, and to the governors of the Canadian provinces also. Those who have as yet replied, say that they will comply with our wishes.

The most ihmportant factor in the solution of the problems that confront us, seems to be: how to utilize preventive legislation, and how to frame it so as to be most practical and effective on the one hand, and least objectionable on the other.

It is, or seems to be as necessary, to have an intelligent and strong public sentiment, to secure the passage of preventive meaures, as it is to enforce them when adopted.

It may be wise to ask for an expression of your views as to some of the subjects that are to be discussed before this congress, and that some preliminary questions shall be sent out relating to the vital questions of the hour, and I will feel obliged for your opinion for the benefit of those who desire the aid of advanced thinkers and experienced observers.

1st.—What importance do you attach to preventive legislation as a factor in diminshing the spread of Tuberculosis?

2nd.—Assuming the importance, necessity and utility of preventive legislation, how can the public be best educated and its sentiment aroused sufficiently, to secure the passage of preventive laws, and their enforcement after they are pased?

3rd.—Which would you regard as for the best interest of the people.

(1) Legislation authorizing the employment of drastic measures for the enforcement of the necessary regulations, or,

(2) A broad policy of education of the masses, as to the cause, the danger and the remedy for a factor in diminishing the spread of Tuberculosis?

Kindly reply to this letter at once, because the time is so short; and if you will contribute a paper and enroll in the congress, do so.

Please send your reply to the questions as early as possible, so that I can publish your anwer as a part of my contribution to the Congress, to be sent at least a month before its session to delegates, and in time, to awaken interest, and arouse discussion upon the subject at the Congress itself. Very faithfully yours,

CLARK BELL.

The government of the United States has been advised of the contemplated congress, and its co-operation solicited, and a request that the government and its army and navy departments, especially the surgeon generals of both, and their attaches and offices, be represented at the congress.

As to the legal propositions involved in what may be considered as of the greateat practical force and effect, in the matter of preventive legislation; the question rests strongly upon the proposition, upon which the medical world is now substantially in accord.

Is tuberculosis an infectious or communicable disease? Can it be communicated from one person to another?

How far can legislation avert it, framed with a view of arresting the spread of the disease, by regulations, the enforcement of which would result in diminishing the opportunities and the facilities for its being communicated from one person to another?

The police power of the government has been held to exist, and it no doubt does in all cases, where a communicable disease is liable to, or is in danger of spreading; and this liability or danger can be averted, lessened, or diminished by stringent regulations.

To obtain the consent of the people to the adoption of stringent and drastic laws in such cases, requires the education of the public sentiment among the more thoughtful and influential members of the community.

Preventive legislation must, to secure its enforcement, be sustained also by a strong and educated public sentiment.

The action of the congress will not be limited to the subjects presented by this paper alone.

The programme of work will be broad enough to consider

all questions relating to tuberculosis, its cause, cure, treatment, climatic influence, and every question in any way related to it.

The programme will be a classification of its subjects, and a large number of enrolled members will take part in the discussion, and this paper is sent out in advance to awaken arouse and incite to that discussion.

The following are some of the earliest replies received in response to the questions sent out, the remainder of which will be submitted later, if received after the Congress adjourns:—

Sir James A. Grant, M. D., President of "The Canadian Association for the Prevention of Tuberculosis," one of the most progressive of the medical men of the Dominion of Canada, on the Legislation of Tubercuosis, says:—

150 Elgin Street, Ottawa Canada, March 28, 1901.

"Clark Bell, Esq.,

My Dear Sir—In reply to your kind communication of March 12th inst, in reference to the "Preventive Legislation," I would recommend, that a Bureau of Public Health be established at Washington, under the Government, and that specific directions, in keeping with the progress of science, be circulated throughout the "various States of the Union," for the guidance of the public in all points with reference to Tuberculosis, also, that from the "Educational Department," a small work, containing, in a succinct and comprehensive form, all information on consumption, should be circulated, and in fact taught in every school and college, for the guidance of the people as a whole.

A system of general information, such as defined, would be productive of practical results, and tend towards a marked reduction, in the present fatality from consumption, in your great Republic.

Sincerely yours,

J. A. GRANT.

P. S.—

My Dear Sir—I feel that as a British subject, I have no right to dictate advice to your Government, but if, by your Tuberculosis Conference, you can bring about so progressive a move, the advantage to the Republic would be great indeed.

Sincerely yours,

J. A. GRANT."

Dr. E. P. Lachapelle, is one of the most experienced of observers in the Dominion of Canada. He is the President of the Board of Health of the Province of Quebec. He resides at Montreal. He replies:—

Board of Health of the Province of Quebec.
76 St. Gabriel, Montreal, April 1, 1901.

"Clark Bell, Esq., Secretary of the American Congress of Tuberculosis, 39 Broadway, New York.

Dear Sir.—I have received only Saturday last your circular letter bearing date of March 9th, it having been addressed to "Quebec," instead of "Montreal" where I reside.

"The legislative measures I am prepared to advocate as I attach great importance to their being enacted, are: compulsory notification of all cases of tuberculosis which have reached the suppuration and expectoration stage, disinfection of dwellings after the removal or death of a consumptive, regulating the cubic space and other sanitary conditions in public buildings, (school, factories, etc.) exclusion from dairies of all cows presenting a tuberculous disease of the udder, fixing a minimum air space for cow sheds, control of slaughter-houses and markets, in cities and towns at least. None of the above constitute what I would call drastic measures.

"Other desiderata will have, I think, to be secured by persuasion. Notification of advanced tuberculosis and disinfection after the death of a consumptive are now law in the Province of Quebec.

"The best way of securing the co-operation of the public would be to begin its education at the schools, (I have advocated this at our recent Ottawa Conference), to multiply leagues which would publish literature for free distribution and give popular conferences, etc.

Sanitoria also, especially those where the poor would be admitted free are, in my opinion, an efficient means of checking the propagation of the disease by decreasing the number of foci among the population. Moreover, patients coming out of these establishments with improved health, spread wide and large practical notions about the rational and preventive care of the tuberculous, and stand as a living proof of the usefulness of these establishments. These patients would certainly help to convince affected people that they get something in return for taking health officers into their confidence.

"I always intend to be present at your meeting on the 15th of May, and to take part in the discussions which will undoubtedly arise, and if needed, I will more fully explain my views on the matter.

Yours sincerely,
E. P. LACHAPELLE."

Dr. T. D. Crothers, of Hartford, Conn., the editor of the Journal of Inebriety, is a trained observer of Sanitary subjects. He is one of the Vice Presidents of the Medico-Legal Society, and of the American Congress of Tuberculosis. He writes:—

WALNUT LODGE HOSPITAL.
Hartford, Conn., April 1, 1901'

T. D. Crothers, M. D., President and Superintendent.

"My Dear Mr. Bell.—In answer to your first question I would say

that the time has not come to inaugurate drastic preventive legislation. The public is not yet ready for preventive laws. Second, the passage of general laws calling attention to the subject and the enforcing isolation of persons who are diseased would be a good measure. In the second list of questions, the broad policy of education pointing out the danger of such cases and the remedy by isolation, treatment, etc., is that which is most needed at present. The action of the Congress should call special attention to the sanitary side of the question and the possibility of removing the cause by intelligent co-operation of the public as well as police regulations. I shall hope to see you some time this month. With thanks, believe me,

Very truly yours,
T. D. CROTHERS."

Hon. Moritz Ellinger, Ex-Coroner of New York, Corresponding Secretary of the Medico-Legal Society, and one of the most erudite students of Sociological and Psychological questions of our time, a member and contributor to the present American Congress of Tuberculosis, replies as follows:

New York, April 1, 1901.

"Clark Bell, Esq., st;mea sureseS

"Dear Sir.—In answer to the questions propounded by you in your circular of the 9h ult., I beg to state briefly my opinion without entering into lengthy arguments.

"I. Preventive legislation can only refer to the possible cure, and therefore diminshment of the cause of infection of Tuberculosiq. It is no longer held that Tuberculosis is incurable; on the contrary it yields to rational treatment such as the inhalation of pure air; living in an atmosphere which is not loaded with the microbes of tenement house effluvia, and nursing with pure air, healthy food, and the evasion of nostrums offered by charlatan quacks, of patent medicine. Sanatariums for the poor, should therefore be established in every State, with sanitary surroundings, and these can only be accomplshed by the Legislatures in every State.

"2. Drastic measures are of no avail, and will do no good. Proper education as to the danger which lurks in the streets of all large cities, by the disregard of provisions in public conveyances for the deposit of the patient's expectorations; and of the observance in the house of such measures as may be prescribed, would be much more effective than punitive measures. It is well for the Board of Health to prohibit expectoration in public conveyances, useless if not accompanied by the compulsion of the companies to furnish receptacles for the sputum. It is generally agreed that the sputum of the patient is the most prolific source of the infection.

"I think for the present this would answer as to the main reforms to be needed. In Europe a great impetus has been given to the last Congress of Tuberculosis, held in Vienna, to the build-

ing of Public Sanitariums, and to this measure our efforts might be confined for the present. Stamp out the prevailing sickness, as far as you can, and you will strike at the source of the infection.

Yours truly,
M. ELLINGER."

Dr. U. O. B. Wingate, one of the most active members of the Medico-Legal Society; and a Vice Chairman of the Psychological Section of that body; the executive office of the Wisconsin State Board of Health, and a close and careful student of Sanitary Science, replies as follows:—

Milwaukee, April 3, 1901.

"Hon. Clark Bell, 39 Broadway, New York.

My Dear Sir.—Replying to the questions in your circular letter, I have to state as follows:

"1st. What importance do you attach to preventive legislation as a factor in diminishing the spread of Tuberculosis?' Ans.—"I think a certain amount of legislation relative to the control of Bovine Tuberculosis and milk supplies of very great importance, and laws relative to this matter should be enacted requiring all milch cows to be tested, so that the meat supply and public milk supply can be relied upon as safe. I do not think that legislation relative to the spread of consumption among the human family of much importance. I do not see the necessity of reporting cases of consumption to local boards of health, and in this State especially, it would be impossible to enforce a law prohibiting spitting in public places. In some localities, however, where there is a great deal of consumption, I believe that such a law should be enacted.

'2nd. Assuming the importance, necessity and utility of preventive legislation, how can the public best be educated and its sentiments aroused sufficiently, to secure the passage of preventive laws, and their enforcement after they are passed?'

Ans. "By the circulation of literature on the subject; by public lectures and public meetings of boards of health, and by securing the co-operation of newspapers in presenting to the public the actual situation and the importance of necessary steps in the prevention of the disease. About two years ago, the State Board of Wisconsin issued a circular, through the local health officers throughout the State, to the dairymen, calling their attention to the importance of having their herds tested with tuberculine, with a view of weeding out tuberculosis in their herds. As a result of these circulars the calls for the State Veterinarian to make these tests, became so great that it was utterly impossible for him to comply with the requests made, and much work has been accomplished resulting from this, which goes to show that it does not require a great deal of effort to interest the public in this matter, and especially where commercial interests are involved, as in the sale of stock and milk. I believe that the public at the present

time, especially in this State, are well on the way to a pretty thorough information of the necessity of taking steps to prevent the disease.

'3rd. Which would you regard as for the best interests of the people?'

(a). "Legislation authorizing the employment of drastic measures for the enforcement of the necessary regulations, or

(b). "A broad policy of the education of the masses, as to the cause, danger and the remedy for tuberculosis?"

Ans. "By all means a broad policy of education of the masses."

Trusting these answers may be received in time, and to your satisfaction, I remain,

Faithfully yours,
U. O. B. WINGATE,
Secretary.

A. P. Reid, M. D., a Sanitarian of high standing and Secretary of the Provincial Board of Health of Middletown, Nova Scotia, answers as follows:

Middletown, N. S., April 3, 1901.

Clark Bell, Esq., New York.

"Dear Sir.—Your favors received and contents noted. I would wish very much to take part, and have tried to interest "the powers that be," (but I cannot get a response). As to the questions I have a hesitation in giving opinions that are not based on experience.

1st. "Go slow."—Only legislate a little ahead of public opinion.

2nd. "Moral suasion."—The press, the pulpit, and by association.

3rd. "Suggestion (b) more nearly fills the bill. We have now in some places legislation that cannot be carried out.

For instance, you will see in street cars, notice—"NO SPITTING ON FLOORS," etc., but there are no spittoons furnished, and what can a man do; he can't carry it in his mouth for half an hour; he should not swallow it, and a handkerchief may not be available.

Sincerely yours,
A. P. REID, M. D.,

Dr. George Ben Johnston of Richmond, Virginia, replies as follows:

Richmond, Va., April9, 1901.

"Clark Bell, Esq., New York.

My Dear Mr. Bell.—"I have not been able to respond earlier to your recent letter for many reasons. I regret this extremely. However, I hope, I am not too late for your purpose.

"No legislation has been enacted in Virginia towards the prevention of Tuberculosis or looking to the establishment of a State Hospital for consumptives, nor is any in contemplation. The truth is, we have been so occupied with many economical question that we have not given as much attention to State medicine as the subject deserves. The time is near at hand, however, when all of this will be changed, and I hope that Virginia will fall into line

with the most advanced States of the Union on all questions pertaining to public health.

"In replying to your questions, I would make these responses:

"First. I consider preventive legislation based upon a healthy public sentiment as the most competent factor in diminishing the spread of Tuberculosis.

"Second. The best method of educating the masses in matters relating to public health is for the leading men of every community to form themselves into associations which shall discuss these questions publicly, and disseminate their views through the public prints, thus reaching the people and enlightening them in regard to preventive measures.

"Third. (a). Legislation authorizing employment of drastic measures for the enforcement of necessary legislation at this juncture would be unwise.

(b). "A broad policy of education of the masses as to the cause of danger and the remedy for diminishing the spread of Tuberculosis is the only method that could succeed. This requires time and great effort on the part of the intelligent men of the community who are interested in the public health.

Yours very cordially,
GEORGE BEN. JOHNSTON."

Dr. Dwight S. Moore is one of our alienists who has made thorough studies of Tuberculosis. His reply is as follows:—

NORTH DAKOTA HOSPITAL FOR INSANE.

Clark Bell, Esq., New York City.

Dear Sir.—In reply to your letter of inquiry of the 9th ult.,:—

1st. Preventive legislation as a factor in diminishing the spread of Tuberculosis deserves the chief consideration, but will be difficult of attainment, and the way to it must be paved by thorough public instruction on this and kindred topics.

2nd. By systematic presentation of the knowledge which it is desired to impart through the medium of the daily and weekly press, the expense to be defrayed by assessments levied upon the members of the association, text-books and popular lectures not to be neglected.

3rd. Measures must not be too stringent at first. Martyrs must not be made, nor the "antis" excited to organization. I think (b). the latter, is preferable.

Very truly,
D. S. MOORE."

Dr. J. W. Kime, editor of the Iowa Medical Journal, who has made studies of this disease, says:—

"Ft. Dodge, Iowa, April 5, 1901.

Hon. Clark Bell, Esq., New York, N. Y.

"Dear Sir.—I am just in receipt of your kind invitation to be present at the Congress of Tuberculosis in May, and shall take pleasure in meeting with you. In reply to your questions, I beg to say:

"1st. I hold that legislative action is of the first importance. I

am fully convinced that a very large factor in the causation of Tuberculosis is the presence of the disease in the bovine species, and that milk is especially dangerous. We have a tremendous task on hand, however, when we attack this problem, as the dairy and live stock interests are immediately arrayed againt us. I think it almost useless to try to rid the human race of the disease, while we permit our dairymen to carry it into our kitchens each day.

2nd. This question is very difficult. The public is densely ignorant, upon this subject, and, in my experience, the man who seeks to enlighten it receives scant consideration for his pains. No man can accomplish much single-handed and alone, but the official acts and declarations of a Congress, that is world-wide in its character, will have much weight with the better class of the public. A simple statement of the mind of this Congress on the various phases of the subject—the contagiousness of the disease, its non-heredity, its specific cause and the best manner of dealing with it, the relation of human and bovine tuberculosis, the climatic factors, the part which hygienic conditions play in its treatment, and the many other important phases of the question,—will be productive of great good in an educational way. If these points can be made clear and be properly brought before the people, we will accomplish much. Preventive laws will be difficult of passage until work along this line has been done. The average legislator is but little in advance of his constituents.

"Drastic measures cannot be passed with us. So far we have not been able to even get the word "tuberculosis" inserted into our laws. It must be a campaign of education and not a little of this must be within the ranks of the medical profession, itself.

"Our work will be slow and we will die before we reap the harvest which we are attempting to sow.

"Trusting that the meeting may be a success in every sense, I am

Sincerely yours,
J. W. KIME."

Dr. Eduardo Liceaga is one of the most prominent names in the medical profession in the Republic of Mexico, especially in the Department of Public Health and Sanitary Science. He is President of the Board of Health of Mexico, and was recommended to me by His Excellency, the Mexican Minister at Washington. His reply is as follows:—

Mexico, April 17, 1901.

Dr. Clark Bell, President of the Medico-Legal Society, New York, N. Y.

My Esteemed Colleague :—In answer to your favor of the 22nd of March last, I have to state as follows :

1st. That I consider preventative legislation an important factor in the diminishing or preventing the propagation of tuberculosis.

2nd. I recognize that its action is slow and tardy, and, consequently, that the same thing may be said of the education which it is necessary

to give the public in order to prepare it for the conversion of the preventative into effective legislation, and making its precepts binding on the general public.

3rd. As a general rule, I consider that a system founded on the complete education of the masses is more efficacious and places them in a position to understand the dangers of tuberculosis, the causes of its propagation and the measures to be taken to avoid it, and such general education will always do more good than the enactment of laws which would authorize the employment of drastic measures.

Nevertheless, I cannot fail to recognize that, under certain circumstances, these drastic measures may be of great utility, but it is necessary to act with great tact in order to find the opportune moment for their employment.

I take great pleasure in promising you a paper for the Congress which is about to meet in New York, to which I will in due time forward the paper I have lately presented in the Third Pan-American Medical Congress, which met in Havana during the month of February last, as well as a new one on some subject. In the one I have already presented you will find a full answer to your questions, and you will also see that I propose that the whole of the Associations which have been formed in different countries of the world, to defend the public against tuberculosis, should organize in one single Central Association, somewhat similar to the International Association of the Red Cross, which through the unification of its organization, under a central committee, has rendered the most important services to the cause of humanity.

I remain yours very respectfully,

E. LICEAGA.

Dr. V. Podstata is Vice President of the American Association of Assistant Physicians of Hospitals for the Insane, and a thoughtful student of the subject. He writes:—

Eastern Hospital for the Insane. Hospital, Illinois.
New York, April 28th, 1901.

Clark Bell, Esq., 39 Broadway, New York City.

Dear Sir:—My answers to your questions, pertaining to tuberculosis, are as follows:

1st. Wise preventive legislation could undoubtedly be made an important factor in diminishing the spread of tuberculosis.

2nd. The help of the newspapers, the public schools, and, possibly, the clergy, can be secured, popular lectures given, when and where effective; it appears to me that the public might be aroused to the proper understanding of the terrible disease.

3rd. (1) I am not in sympathy with any drastic measures. (2) The education of the masses appears to me the most effectual means of doing good to the people.

Respectfully,

V. PODSTATA. M. D., Pathologist.

Dr. F. Powers, a leading physician of Connecticut, writes:—

Westport, Conn., May 2, 1901.

Clark Bell, Esq., President Medico-Legal Society, New York City.

Dear Sir:—While the exact role of the tubercle bacillus may not be

fully determined, it seems to be an established fact that consumption is contagious. I would advocate further teaching the public the most simple truths regarding this matter before invoking the law in the employment of drastic measures. Very sincerely yours,

F. POWERS, M. D.

Dr. R. F. Graham is one of the delegates to the American Congress of Tuberculosis, appointed by the Governor of Colorado, and one of the foremost physicians of that state. He says:

Greely. Colorado, April 9, 1901.

Clark Bell, Secretary and Treasurer, New York City.

Dear Sir:—My vote on the questions propounded, in your letter of March 9th, is as follows:

1. The value of preventive legislation would depend largely on what part heredity played in causing tuberculosis. There seems to be no reason to doubt thal the germs must be taken on from the outside, when one acquires tuberculosis; but it appears quite important that the germs be deposited in proper soil if they grow. I am still unable to disabuse my mind entirely of the old (but not necessarily incorrect because old) idea of hereditary tendency of tuberculosis.

However, even if heredity plays a strong role, the public should be protected as far as possible against infection.

2. Educate the mdeical profession and the public through it. It has been demonstrated, time and again, that without a united profession we can get nothing sustained by the people in the way of legislation.

3. I have already answered this question under 2.

Stringent legislation, without the public sentiment aroused to the importance of it, would only excite antagonism and thwart its own purpose.

Very truly, B. F. GRAHAM.

One of the most aggressive and strenuous of those medical men who take an advanced stand in medical legislation, is the able physician, Dr. Henry B. Baker, Secretary of the State Board of Health of Michigan, and a Vice President of the Congress. Dr. Baker says:

State Board of Health, Michigan, Lansing, April 17, 1901.

Clark Bell, President, Medico-Legal Society, No. 39 Broadway, New York City, N. Y.

Dear Sir:—In reponse to your question,

"1st. What importance do you attach to preventive legislation as a factor in diminishing the spread of tuberculosis?" I reply: Very great importance. A good law is a powerful educator.

"2d. Assuming the importance, necessity and utility of preventive legislation, how can the public best be educated and its sentiment aroused sufficiently, to secure the passage of preventive laws, and their enforcement after they are passed?" I reply: I know of no way so effective as through the systematic labors of a state board of health, which should be one of the most important educational institutions of every state. One principle of action, which should be thoroughly complied

with, is: People can be educated on a subject if definite information on that subject is put before them, in concise form, at such time as they are especially interested in that subject. People can best be taught relative to tuberculosis when that disease is present in their own household, or among those persons with whom they associate. In order that a state board of health may most successfully carry on a "campaign of education," it is essential that the state board shall have for distribution concise pamphlets, leaflets, diagrams, or slips, containing reliable information relative to the subject to be taught—tuberculosis. It is essential that the state board shall have knowledge of just where there are persons sufficiently interested in the subject to be willing to read the pamphlets, leaflets, diagrams, or slips. Therefore, the first essential is official notice of cases of well developed tuberculosis, so that the instructions may be supplied either direct from the state board of health, or indirectly through the action of the local health officials, possibly aided by the attending physician. It thus seems plain that the first requisite for progress toward the restriction or prevention of tuberculosis, is *notification* of every case of well-developed tuberculosis in such form as to be communicable, as, for instance, what is commonly known as "consumption of the lungs."

3d. "What would you regard as for the best interest of the people:

"(a.) Legislation authorizing the employment of drastic meaures for the enforcement of the necessary regulations, or,

"(b.) A broad policy of education of the masses, as to the cause, danger, and the remedy for tuberculosis?" I reply: the latter policy. It is not possible to restrict or prevent any communicable disease without the co-operation of all classes of people; that co-operation cannot be obtained except through the intelligence of the people generally on that special subject; therefore, the first legislation should be for notification of cases to the local health officers, and by them to the central office of the state board of health, which should be prepared, and can then act for the further education of the masses.

Very respectfully, HENRY B. BAKER,
Secretary.

R. Harvey Reed, M. D., is the Surgeon General of the State, and was formerly the editor of the Columbus Medical Journal. He has a wide field of observation. His reply to my letter is as follows:

Rock Springs, Wyo., May 6th, 1701.

Hon. Clark Bell, New York, N. Y.,

Dear Doctor:—In answer to your esteemed favor of third inst., and to your questions, as to what Wyoming has done as to legislation regarding tuberculosis, I desire to say that Wyoming has done nothing except pass a very stringent health law, and gives the Secretary of the State Board of health power to quarantine all contagious diseases, so as to prevent its spreading among the people. In this connection, I desire to say tha tuberculosis is an unknown disease among the natives of this state, in fact with the large number of patients that we have to treat every year, comprising over forty nationalities, from different parts of the state and country, I am confident I have not known of a dozen cases of tuberculo-

sis during the three and one-half years that I have been here in Rock Springs, Wyoming, and each and every one of these cases have been imported from without the state on account of their ill-health, and did not contract the disease here in this state, to the best of my knowledge and belief.

In answer to the question on the enclosed slip, I beg leave to say, first, that proper preventive legislation, with the view of diminishing the spread of tuberculosis is important to every state, and should, in my judgment be regulated by proper federal laws in addition to the state laws; second, by proper instruction in the public schools, and proper public meetings for the discussion of these very important questions with a view of creating public sentiment that will favor such legislation. Third: (1) By no means through drastic measures; (2) By all means through a broad policy of education, backed up by proper laws for the enforcement of well defined, practical principles for the prevention of tuberculosis. Very respectfully submitted,

R. HARVEY REED.

Major Geo. H. Torney, of the Army, who is one of the ablest men in sanitary matters; is in charge of the Army and Navy General Hospital of the Government at Hot Springs, Arkansas. His name was suggested to me by Surgeon General Sternberg, of the Army. In reply to the question, Major Torney writes:—

Army and Navy General Hospital,
Hot Springs, Ark. May 4th, 1901.

Mr. Clark Bell, Secretary American Congress of Tuberculosis,
39 Broadway, New York, N, Y.

Dear Sir:—In reply to your request for an expression of my views as to some of the subjects that are to be discussed at the meeting of the American Congress of Tuberculosis, on May 15th and 16th, 1901; I desire to submit the following replies in answer to the several questions:

1. I consider preventive legislation a factor of great importance in diminishing the spread of tuberculosis.

2. By persistent and intelligent discrimination of facts relative to the danger of contagion in this disease.

3. (1) Assuredly no drastic measures for the enforcement of regulations, (2) until the mass of the people have been educated as to the cause, the danger, and the remedy for a factor in diminishing the spread of tuberculosis. Respectfully submitted,

GEO. H. TORNEY,
Major and Surgeon, U. S. Army,

Major A. Havard is Chief Surgeon of the United States Army in Cuba, through the courtsey of General Sternberg, Chief Surgeon of the Army of the United States, the questions were referred to him on his post of duty in Cuba. His reply was as follows:—

Headquarters Department of Cuba,
Office of the Chief Surgeon,
Havana, Cuba, May 4, 1901.

Many thanks for the announcement of American Congress of Tuberculosis which I have Just received. In answer to your questions I would state in a very general way not having time to enter into details. The employment of drastic measures should *be cordial*, the best results to be obtained by policy of education of the masses.

Let each State provide sanitariums where individuals may be induced to go and where they may be treated gratuitously or according to their means. Patients preferring to stay at home should observe prescribed regulations and be subject to official inspection. It is my belief that after a general campaign of education there will be no difficulty in procuring the necessary legislation and inducing the great majority of the people to submit to it.

Yours very sincerely,
V. HAVARD. Surgeon U. S. A.

MEDICAL EXPERT TESTIMONY.

Dr. Geo. M. Bell, of Benton Harbor, Michigan, has read a paper showing research and ability before the Medical Society of Berrien County, Michigan, which our space prevents reproducing at length. He recommends the passage of a law providing that two physicians be appointed in each of the Judicial Districts of the State, by the Governor, upon the recommendation of the Judge of the Circuit Court. Dr. Bell says that he should not expect that the law, if passed, would prevent parties on either side from calling in physicians in Medico-Legal cases; but that the weight of evidence would be for the jury or court to determine, and that such medical experts thus carefully selected, based on their professional attainments and professional integrity, would be recognized by the courts and the medical profession and that this would go far in his opinion to overcome the prejudice now existing among courts and juries against the veracity of medical expert witnesses.

Judge Orville W. Coolidge, Circuit Judge of the Second Judicial District of Michigan, to whom the paper was sent by the author, writes in approval of it saying:

I am much obliged to you for sending your article on Medical Experts. The suggestions made are valuable to not only the medical and legal fraternity, but to all who are interested in the just administration of the law.

Expert testimony is often very valuable, and if disinterested experts could be obtained they would aid the Court greatly in many cases. I think that if certain persons could be designated by official appointment in some way, and paid fairly for their services by the State, the objections now raised against expert testimony would be removed.

I hope that the matter will be agitated so that a practical reform may be brought about in the matter of expert testimony.

This suggestion from our sister State of Michigan is entitled to thoughtful consideration.

If carefully selected medical experts, selected by the Judges of the Supreme Court, for their professional skill and recogniz-

ed ability and holding an appointment from the Governor, two in a county, with suitable provisions for a larger number in the cities of the State of New York for example, it would be a step forward and not backward.

It is a practical suggestion, and well worthy of consideration. The law should distinctly provide that the selection and appointment should be made wholly outside of partizan political considerations, and the salaries should be made such as to command high talent and no fee to be paid by either, party so as to completely remove any financial question or consideration from influencing or affecting the testimony of the witness who would be a State officer. This is substantially the system in Germany. It would be a grand stimulus to science and to the advancement of medical men.

The great Orfila won his spurs in exactly such a school as this, and his advice was sought throughout Europe. Caspar is another example of what the world of science gained by a system like this. It would rouse medical men to attain renown in this field and be a fit counterpart and offset to what has become a reproach upon the medical profession in the past.

NEW YORK WATER SUPPLY.

Dr. Nagle is not only a student of vital statistics, l ut he has a plan for water supply for New York that is well worthy the attention of our city fathers..

It is briefly this: That the water of the Upper Hudson be diverted in sufficient volume, not only to supply this city with all the water it needs, for all purposes, including manufactories, but that all the factories and manufacturing establishments of the intervening towns be also supplied from the same source and that abundant water be thus deflected to make it of medicinal use and take up for this useful purpose some little of that enormous waste that empties into the sea.

CREMATION AS CONCEALING CRIME.

The whole subject of cremation in its relation to the concealment of crime has been referred to a select committee of the Medico-Legal Society, of which Mr. Frederick L. Hoffman a well known writer on statistics and economic questions is chairman.

At this moment there is no legislation in this State upon the subject. The present state of the law in other States will be the subject of the inquiry.

In case of murder by poisoning the cremation of the body as our law stands, would render detection impossible.

Indeed the so-called embalming of the body by the undertaker, which should be either prohibited or put under legislative inspection, which would prevent the use by poisoners elsewhere is as our law now stands the easiest mode by which the poisoner conceals his crime.

The whole body of undertakers oppose such laws, as an interference with their so-called business as embalmers. Both these themes are fruitful sources of study for needed legislation.

EDITORIAL.

PREMATURE BURIAL.

The consciousness of a certain silently approaching inevitable death, from which there is no escape, reprieve or rescue, is perhaps the concentration of human mental agony.

Perhaps in the case of one who in the last stages of a protracted struggle for life with an incurable disease, like cancer or tuberculosis, where physical pain lends its additional agony to the sufferer, we might hesitate; but is there any fate more terrible to contemplate or consider than that of being buried alive?

The imprisoned one in a burning building from which there is no escape, when death literally stares him in the face and reaches out flaming fingers and a scorching breath, is horrible to think of, and terrible to realize.

If on a vessel at sea it is none the less terrible, because it has often a ray of hope, that the conflagration may attract some one to come to succor, but when hope has gone and the last dread moments or remaining life have fled, still there can be little doubt that the acme of mental anguish and agony exceeds all physical pain to the imprisoned one in the silence of the grave.

But what even are all these, compared to the horrible mental suffering that comes to him, who awakening from unconsciousness finds himself in his coffin in the grave, and who must face a death which is so slow, sure and terrible that madness and insanity would be merciful, in that it ended mental depths of anguish, despairing, indescribable, unendurable and beyond the capacity of the human mind to adequately realize, much less to endure.

The contemplation even of such an ending of life, is heart rending, and it stirs every depth of the soul to strictly describe or even consider it.

It is a charitable and philosophic view of the actuality of life, that the hopeful optimist takes, who agrees with certain medical men that such a fate is an impossibility and

such an ending need not be either dreaded or feared.

If we could accept such a view it would comfort many who have an overwhelming fear and terrible dread of such a fate.

It is argued that such instances as are generally believed to occur occasionally under the head of narrow escapes, are all that need be feared or guarded against.

That the time elapsing between death and burial and decomposition itself is in the way of any view that would leave such circumstance possible.

On the other hand a large number of people are terribly afflicted by the awful fear of such a fate, and the welfare of even such, should enlist our attention and compel our sympathy, as well as our aid.

I have often thought the heroic measures adopted by the modern undertaker was to some extent an adjunct to prevent premature burial.

The practice of so called embalming when the abdomen is opened to have the cavity filled with a poisonous fluid would seem at first as a safeguard against premature burial.

The insertion of the knife to open the body for such a purpose would of course break the spell of unconsciousness from catalepsy or any other causes.

The danger of this process of embalming the body, which has come into very general recognition, has one side to it, that is so objectionable and such a menace to the citizen that it should be strictly prohibited by law.

Its greatest objection, that as now practiced by the ordinary undertaker, is, that it affords a certain protection to conceal crime in cases where the death was due to poisoning. The murderer escapes by having the body treated by the undertaker, as there is no means now known by toxicologists to discriminate between poisons administered before death or after death by the absorption from filling the abdominal cavity.

A strong objection to the whole process of so called embalming is that it impregnates a great many cemeteries with aresnic, especially on hill sides by infiltration from one grave to another. So that the finding of arsenic in a grave now would not be positive evidence in a case where death was caused by arsenical poisoning.

EX-CHIEF JUSTICES SUPREME COURT OF RHODE ISLAND.

SAMUEL EDDY, LL. D.
1827–1835.

DANIEL LYMAN.
1812–1816.

JAMES FENNER.
1818–1819.

JAMES BURRILL, JR.
1816–1817,

RICHARD W. GREENE.
1848–1854.

From advance sheets Supreme Court of the States and Provinces of North America.

The so-called embalming as practiced by undertakers is now a menace to the public safety, in preventing the detection of crime and it is used by poisoners to conceal their crime.

The fear of premature burial, while not universal, is much more extensive than is generally supposed.

Any action that would dispel this fear would be a great public boon.

More people would be thus benefitted than could by any reasonable possibility ever be the subject of premature burial.

That premature burial occurs must be conceded, as the evidence of its occurrence are undoubted, but we may safely assert that it is of rare occurrence.

Many cases have been authentically reported, where the danger was imminent and some accident only has prevented.

As a public evil, the fear of premature burial far exceeds the actual occurrence by many thousand fold, and the greatest value to the race of a certain preventive against premature burial, would be in banishing the fear of it from all minds.

TRUTH VS. ERROR.

There are two methods in vogue in the world and more especially in the medical profession, relative to error and how to combat, meet and overthrow it.

One is by intrigue and management to suppress the discussion of subjects, deemed to be improper, and to prevent full discussion; the other is to meet error face to face and vanquish it in a fair fight and open contest.

The most striking instance of recent days is when a physician, whose name was on the programme of enrolled members, read a paper at the recent session of the American Congress of Tuberculosis in New York, attacking the view that consumption was infectious, and denying the existence of the bacilli of tuberculosis, with propositions and statements, at variance with the universal opinions of members. He was allowed to occupy his whole time.

Then objection was made to his being heard farther, when Dr. C. K. Cole, of Montana, moved and obtained general consent that he be heard in full.

The Congress then by vote on division:

1. Refused to receive his paper, or allow it to be published in its transactions, and

2. Placed itself squarely as in opposition to the views of the author, and on division squelched the author and his paper by an overwhelming vote, not one member of the Congress sustaining the author or his paper, although three members of the large audience who had been invited by the chair to vote, voted with him.

The incident places the Congress square on the record:

1. That tuberculosis is an infectious disease.

2. That as such it was the proper subject of preventive legislation. The truth need never fear the outcome of a fair open, square, stand up fight with error.

It is not the wiser policy to avoid such a conflict when the issue is crucial. There can be found no proposition, however absurd, that will not find some voting to support it.

The medical profession have not until very recently agreed that tuberculosis was infectious. It is not united now as to

whether the baccillis is the cause or the result of the disease.

The writer of the paper assailed the motives of medical men in the strongest and most reprehensible language and was squelched because of his want of *savoir faire.*

The officers were criticised for permitting such a paper to be read. None of the papers were under censorship. There should be no muzzle on the discussion of scientific questions. The same principle that lighted the fires at Smithfield, and inspired the massacre of the innocent in the struggle for opinion, is at stake in scientific questions.

The American Congress of Tuberculosis stands on much higher ground, since it allowed a member to express views in conflict with those of every one of his colleagues, rather than to suppress or avoid the full discussion of the subject.

If tuberculosis is not infectious there would be no safe ground on which to base preventive legislation and the incident, although a surprise to the whole body, forced an expression on vital questions on which the unanimity of opinion was remarkable, which could not have been made apparent but for the extraordinary occasion and its surroundings.

THE PREVENTION OF TUBERCULOSIS.

The most prominent question in Forensic Medicine of the present hour, the one to which thoughtful minds in all nations are now turning with deepest interest, is how far can legislation avail to prevent the spread of this terrible disease among all the people of the human race.

During the past four or five months this question has been foremost in the councils and work of the Medico-Legal Society. The conference in Canada, at Ottawa, in February last, following the opening meeting of the American Congress of Tuberculosis held at the instigation and under the auspices of the Medicol-Legal Society, in February, 1900, in the City of New York, indicate the intense interest felt in the subject by the great masses of the people of many countries.

In Great Britain, the government has strongly supported and led in public demonstrations on the subject, and men of both professions in law and medicine, have actively supported it. In the forthcoming Congress announced to be held in London in July next, the sympathy of the English Government will be strongly manifested, and a great public demonstration will be made.

In Sweden there is public interest in the question, and in Italy and Germany.

The Dominion of Canada is also in strong sympathy with the movement in that portion of America.

In contrast, in the United States of America, is the remarkable apathy of the medical profession. There is now no great name in the American metropolis in the medical profession identified with the cure of consumption. Perhaps half a dozen medical men in the great army of physicians of the metropolis treat it as a specialty. The stronger men, the medical specialists, do not treat it. It is not a desirable practice.

It falls to the lot of family physicians to grapple with this enemy of the race, and so far as we have learned, no responsive echo has been found among medical men in any of the States of the American Union, save the praiseworthy efforts of a few good men in a few States, towards the organization of State societies for the prevention of tuberculosis.

It will be conceded, in the near future, that the action of the Medico-Legal Society in initiating the movement which resulted in the organization of the American Congress of Tuberculosis, was laudable, praiseworthy and deserving of public praise. The second annual meeting, which has just been held with wonderful success at the Hotel Majestic, in New York City, has crystallized its work with a body that can properly be called American in the broadest and most comprehensive sense.

It embraces all the countries and peoples on the continent of both North and South America. Time and distance prevented the South American and some of the Central American States from being represented at the May meeting, but every government and country in South and Central America was invited, and it is only a question of time when every one of them will be officially represented.

The action of that body on the first day will appear in detail in our columns, and its labors will be published in a bulletin after the summer vacation.

More than 200 delegates were appointed by the Governors of the States and Territories of the American Union and by the Governments of other countries in response to the invitations of the officers, although the time was so short that in many of the distant States it was impossible to have the responses reach the delegates in time to attend the Congress.

Action was taken, beside the list of officers chosen which appears in our columns, for the election of two or more vice presidents, selected from both legal and medical men from every State and Territory in the United States, every province in the Dominion of Canada, and every State and country in Central and South America.

The invitation from the British Congress of Tuberculosis, at London, to send delegates was accepted, and a delegation from this body will attend the London Congress.

It will, as a result of its labors already, solidify and crystalize the abler and more aggressive men in both professions of law and medicine to co-operate along lines of usefulness in affecting legislation in aid of the construction of sanitaria for the consumptive in the American States, and to consider and devise the best methods of awakening a pronounced and advanced public sentiment in favor of such preventive legislation against the causes and spread of tuberculosis, as will we trust, result in the welfare and good of the race.

THE GOSPEL ACCORDING TO ELBERT HUBBARD.

Mr. Elbert Hubbard has a wonderful and exceedingly engaging personality.

He is tall, and lithe, and sinewey, slender, with a winning captivating smile.

He resembles more than any other man that I can recall the great artist George Inness.

The resemblance is as much in manner and facial expression, gesture, command of language, as in complexion personal traits, and indescribable little things which bring back to you the dead artist, when you look at Fra Elberto.

Compare their photographs and they might not even resemble each other, but the Elbert Hubbard speaking on the platform in action on his theme, brings up the figure of Inness in later life, when he was describing a painting that he admired, or speaking of the faith which governed his life. Both wore the hair alike, both black and flowing, black, piercing eyes, both a captivating smile, a little more cynicism in the artist, and more of tenderness and emotion and love in the Philistine.

Hubbard is the most picturesque, take him all in all; of any of the men of the platform today, and few that I have heard can hold an audience so intently, and keep them so entranced as he for over an hour.

He speaks on a theme that dominates his life, governs all his action; along lines that he has walked arm and arm with the conviction of his soul, toward an end that, regardless of the applause or censure of others, lies nearest his heart, and which has refreshed him constantly by the blessings he gives others, coming back like sunshine and rain and flowers to make his soul jubilant and strong. No one has more profoundly the courage of his own convictions than he; and it is doubtful if any human soul has felt more profound blessing at the early realization of his dreams for the uplifting of others, or for good to his kind than the pastor of the Philistines. His life and career and the school he has created, and example that has seen fruition under his own eye, will be an

object lesson for the race, when he has passed into the unknown. It is as unique as it is successful if we are to measure men by the good they do, in their lives, taking into account their environment, their opportunities and their limitations, when they have had to create not only their opportunities, but the means of obtaining their realization; it does not need an orator to say that the historian of his life must place his name high in the scale of those who have succeeded best.

NUGGETS FROM ELBERT HUBBARD.

Art is the expression of our love for our work.

The soul never dies; its growth is as constant as it is eternal.

That worker is respectable at the Roycroft shop who does his work as well as he can.

To live each day for itself, doing always the best we can, is the highest human ideal of high excellence.

It is the crowning glory of our country that it has no leisure class, and no place for such a class.

The Duke of Manchester said recently: "Why you know you have no leisure class in your country." "Yes," was the American reply, "We call such here Hoboes."

"If you should put ten graduates of Harvard on a foundered vessel and shipwrecked all would perish, because none of them would know how to build a raft."

"Harvard in its education is no worse than the other colleges. They are all equally bad alike."

What the world needs now is not more sincerity but more kindness. To be kind—just that old divine emotion of pity—just the simple act of being kind! And above all, let us not forget how to laugh.

The dark brooding night is as necessary for our life as the garish day. Great crops of wheat that feed the nations grow only when the winter's snow covers all as with a garment.

Every man of genius the world has ever produced has come from a little belt of land in the North Temperate Zone.

To have a full stomach and a fixed income are no small things. However, one may set his ambition higher.

A bird in the bush is worth two on a woman's hat.

Had Thomas Edison lived a few hundred years ago and pressed the button the clergy would have done the rest.

I sing paeans to the man who minds his own business.

People who take pains never to do any more than they get paid for, never get paid for any more than they do.

Every preacher who preaches has two doors to his church: one where he leaves people in and the other through which he preaches them out.

Contemplation is usually safer than hustling, and when you are in doubt what to do take the advice of Seneca and do nothing.

Good people are only half as good, and bad people are only half as bad as others regard them.

When you see something new to you in art or hear a proposition in philosophy you never heard before, do not make hot haste to ridicule, deny, or refute; possibly the trouble is with yourself—who knows!

Most generally, when I travel, I go alone—this is to insure being in good company. To travel with another is a terrible risk; it puts a great strain on the affections.

OFFICERS, AUTHORS AND PROMINENT MEMBERS OF THE AMERICAN CONGRESS OF TUBERCULOSIS.

J. B. CLAYBERG, ESQ., Vice-President for State of Montana, Helena, Mont.

SAMUEL BELL THOMAS, ESQ., Assistant Secretary Medico-Legal Society of New York City.

DR C. C. CARROLL, New York City.

MORITZ ELLINGER, ESQ, of New York Vice-Pres. Am. Congress of Tuberculosis.

DR. J. HILDEGARDE TYNDALE, Lincoln, Neb., Vice-Pres. Am. Congress of Tuberculosis.

J. W. P. SMITHWICK, M. D., Vice-President from N. Carolina, La Grange, N. C.

J. A. MCNEVEN, M. D., V. P. Am. Cong Tuberculosis, Gibbonsville, Idaho.

M. M. SMITH, M. D., of Austin Tex., Vice-Pres. for Texas, Am Cong. of Tuberculosis.

SANITORIA FOR CONSUMPTIVES IN THE UNITED STATES AND THE CANADAS.

BY CLARK BELL, ESQ., LL. D., OF N. Y., PRESIDENT MEDICO-LEGAL SOCIETY, SECRETARY AMERICAN CONGRESS OF TUBERCULOSIS.

The great public interest in the questions involved in the value and utility of sanitorium treatment of the consumptive, is my reason for contributing such few facts and data as I have been able to gather since the adjournment of the American Congress of Tuberculosis on May 16 last, and especially since it was suggested to me to prepare this brief paper in season to present it before the London Congress of Tuberculosis, which met July 22, 1901, in the British metropolis.

IN THE UNITED STATES OF AMERICA

The question of sanatoria for the General Government is under the charge of the War and the Navy Departments. These are for the benefit of the soldiers and sailors of the army and navy of the United States, and are in charge of the surgeon generals of the army and navy, respectively.

The enclosed letter from the Surgeon General of the Army gives the location and officers in command of the government hospitals for the army:

Clark Bell, Esq., 39 Broadway, New York.

Dear Sir:—Replying to your letter of April 27th I would say that the following named medical officers are in charge of the U. S. General Hospitals in this country:

Lieut. Col. Alfred C. Girard, Commanding U. S. General Hospital, Presidio, San Francisco, California.

Major George H. Torney, Commanding Army and Navy General Hospital, Hot Springs, Ark.

Major A. H. Appel, Commanding U. S. General Hospital (for tuberculosis), Fort Bayard, New Mexico.

Major Wm. C. Borden, Commanding U. S. General Hospital, Washington Barracks, D. C.

For information with reference to the Marine Hospital Service you should address Dr. Walter Wyman, Supervising Surgeon General, Marine Hospital Service, Washington, D. C.

Very truly yours,

GEO. M. STERNBERG,
Surgeon General, U. S. Army.

The U. S. General Hospital for the Treatment of Pulmonary Tuberculosis at Fort Bayard, New Mexico.

Major D. M. Appel, M. D., Surgeon U. S. Army, Commanding this Hospital sends me advance sheets of a copy of his report to the Surgeon General of the United States for the year ending December 31, 1900, which I received July 9th, almost the last possible moment to utilize the same as a whole.

The report shows the treatment of 283 tubercular patients during the year; a detailed illustrated discription of the buildings and structures, treatment and clinical work and I much regret I cannot now include it.

Walter Wyman, M. D., Supervising Surgeon General of the United States Marine Hospital Service at Washington, D. C., in response to my letter for information on the Sanataria of the government in relation to tuberculosis in the navy, forwarded the official list of government marine hospitals and quarantine stations issued January 1, 1891, with a list of all his assistants and officers in the hospital service of the government in the naval service. He reports:

In the North Atlantic District, Hospitals.....	3
At Boston, Mass.; Portland, Me.; Vineyard Haven, Mass.	
In the Middle Atlantic District, Hospitals.....	2
At New York City; Delaware Breakwater (Lewes, Del.)	
In the South Atlantic District, Hospitals.....	2
Baltimore, Md.; Wilmington, N. C.	
In the District of the Gulf, Hospitals.....	3
Key West, Fla.; Mobile, Ala.; New Orleans, La.	
In the District of the Ohio, Hospitals.....	3
At Louisville, Ky.; Cincinnati; Evansville, Ind.	
In the District of the Mississippi, Hospitals.....	3
At St. Louis; Memphis; Cairo, Ills.	
In the District of the Great Lakes, Hospitals.....	3
At Chicago; Cleveland; Detroit.	
In the District of the Pacific, Hospitals.....	3
Total Hospitals	22

The hospital at Fort Stanton, New Mexico, is devoted to the care of the consumptive patients, among the sailors, and he refers to its report which is too voluminous for even an abstract, in a paper like the present.

The report of Dr. M. J. Rosenau, Past Assistant Surgeon, to the American Congress of Tuberculosis of 1900, which is published in the Bulletin of that Congress, part I of vol. II at page 48, to which I refer:

Dr. Rosenau says that the death rate among the 100,000 sailors which compose the clientele of the Marine Hospital Service, has been for the past ten years from tuberculosis, one-fourth of all the deaths or 25 per cent., many times exceeding the death rate from any other single disease. That the Marine Hospital Service treats from 800 to 1200 cases of tuberculosis annually.

Assuming that the ratio of deaths by tuberculosis in the United States, is as claimed, seven per cent. of all deaths, Dr. Rosenau claims, that the mortality among sailors is three and a half times larger than the average.

Dr. W. D. Bratton, under direction of the Surgeon General, prepared a report in favor of New Mexico as a suitable place for a sanitarium for consumptives.

Secretary L. J. Gage detailed Past Assistant Surgeon J. O. Cobb to examine the abandoned military reservations, for a suitable site, and he reported in favor of Fort Stanton, New Mexico. President McKinley, April 1, 1899, transferred this reservation and devoted it to the Marine Hospital Service, and cases of tuberculosis may now be sent from any of the marine hospitals to the Fort Stanton Sanitary Ranch for treatment.

The Fort Stanton Hospital now isolates the tubercular sailor at this hospital, so that all the inmates at other hospitals are no longer exposed to infection, and probably places the consumptive sailor in the most favorable position for recovery now existing anywhere in the world.

STATE HOSPITALS.

In the United States the questions relating to the construction of hospitals by the government under the American autonomy is under the jurisdiction and authority of the several States and rests upon action by the State legislatures.

The question of sanitoria for consumptives is practically in its infancy, or at its inception and in the majority of the States of the American Union no provision has been made by State legislatures.

The extreme shortness of time beyond which my data could reach the London Congress before its session on the 22d, decided me to apply to the governors of the several States for the copies of acts of legislation on this subject or facts at their command, as the best method of obtaining and communicating reliable data on this subject. I shall confine myself to reporting from each State in the order in which the information comes to me, from governors, or State Boards of Health to whom the governors frequently refere for the data, without reference to alphabetical order.

ARIZONA.

Governor N. O. Murphy, of Arizona, replies as follows:—

Phoenix Arizona, July1, 1901.

Clark Bell, Esq., Secretary and Treasurer American Congress of Tuberculosis, 39 Broadway, New York.

Dear Sir.—In reply to your inquiry of June 25th, 1901, I have to inform you that there has been no legislation in this Territory on the subject of the construction of sanatoria for consumptives.

Yours respectfully,
N. O. MURPHY,
Governor.

CALIFORNIA.

The Hon. Henry T. Gage, Governor of California, referred my letter to Dr. W. P. Mathews, the Secretary of the State Board of Health of that State, who replies as follows:

Sacramento, July 6, 1901.

Mr. Clark Bell.

Dear Sir.—Your letter to the executive department of the State of California asking for copies of acts of legislation providing for sanitoria for consumptives has been referred to me.

I regret to say that our legislature has not taken any steps in that direction, and therefore, no sanitoria for consumptives, authorized by law and under the control of the State, exists here.

Very truly yours,
W. P. MATHEWS,
Secretary.

COLORADO.

Hon. J. B. Orman, Governor of Colorado, replies as follows:

Denver, June 29, 1901.

Clark Bell, Esq., 39 Broadway, New York, N. Y.

Dear Sir.—Your letter of the 23rd instant, in regard to legislation enacted in this state regarding the construction of sanitoria for consumptives is before me, and I beg to say that no legislation of this character has been enacted in this state.

I have referred your letter to Dr. G. E. Tyler, Secretary of the State Board of Health, with the request that he give you such information as he may have that would be useful to you.

Very truly yours,

JAMES B. ORMAN,
Governor.

ILLINOIS.

Govenor Yates referred my communication to the State Board of Health of that State.

James J. Egan, M. D., Secretary and Executive Officer, replied as follows:—

July 12, 1901.

Clark Bell, Esq., 39 Broadway, New York, N. Y.

Dear Sir.—In reply to your letter of the 26th ult., to Governor Yates, I beg to inform you that there has been no legislation enacted in this state regarding the construction of a sanatorium for consumptives. The enclosed bill was introduced during the last session of the legislature, but failed to pass. (House Bill 339.)

Very truly yours,

JAMES A. EGAN,
Secretary.

The Act referred to is too lengthy to embrace it here. It was an Act to provide for the location, erection, organization and management of a State Sanitorium for persons affected by tuberculosis and making an appropriaiton for the purchase of land and the construction of the necessary buildings and the maintenance of the sanitorium.

The bill was introduced by Mr. Rankin, of Warren county, February 14, 1901, in the Lower House, and was House Bill 339.

IOWA.

Hon. Lester M. Shaw, Governor of Iowa, replies as follows:—

Des Moines, Iowa, June 29, 1901.

Mr. Clark Bell, Sec. and Treas. American Congress of Tuberculosis, 39 Broadway, New York, N. Y.

Sir.—Your communication has been received by the Governor of Iowa. In respect of the information desired, I can only say that

there has been no enactment by the general assembly of this state regarding the construction of a sanitoria for consumptives; nor, as the Governor is advised, has such legislation been proposed at any time.

Yours,
WM. H. FLEMING,
Private Secretary.

KANSAS.

Hon. W. E. Stanley, Governor of Kansas, responds as follows:

Topeka, June 29, 1901.

Mr. Clark Bell, New York City.

Dear Sir.—Your favor of the 25th to Governor Stanley has been received, and in reply I beg to say that there has been no legislation enacted in this state relative to the construction of sanitoria for consumptives. If any such laws had been enacted, the Gov- would have been pleased to send you copies of the same.

Yours very truly,
LUTHER BURNS,
Secretary to the Governor.

KENTUCKY.

Governor Beckham, of Kentuck, makes the following reply:

Frankfort, July 1, 1901.

Mr. Clark Bell, New York.

Dear Sir.—Replying to yours of recent date, I am directed by the Governor to say that there is not now in this state a public sanitarium for consumptives, nor does he know of any movement to that effect.

Very truly,
EDW. O. LEIGH,
Private Secretary.

LOUISIANA.

Hon. W. W. Heard, Governor of Louisiana, replies as follows:—

Baton Rouge, June, 29, 1901.

Dr. Clark Bell, Secretary American Congress of Tuberculosis, 39 Broadway, N. Y.

Dear Sir.—The Governor has directed me to acknowledge receipt of your inquiry of the 25th instant, and in reply to inform you that the General Assembly of Louisiana has taken no step as yet towards the construction of a sanitaria for consumptives, nor has any law upon this subject been passed. The subject has, however, received the strong advocacy of the Times-Democrat, of New Orleans, also of influential medical authorities in the State.

Very respectfully,
LEON JASBREMSKI,
Private Secretary.

MAINE.

A. G. Young, M. D., of Augusta, Maine, Secetary of the State Board of Health, whom I addessed, replied as follows:

Augusta, July 10, 1901.

Clark Bell, Esq., Sec. American Congress of Tuberculosis, 39 Broadway, New York.

Dear Sir.—Answering yours of July 1st, which was received yesterday, I would say that there is no sanatorium for consumptives

in the State of Maine. The circular which I herewith enclose is one which has been sent out by the Maine State Sanatorium Association. We have no laws bearing directly upon sanatoriums. Tuberculosis is, however, under the law, a notifiable disease in this state, as you will see by referring to page 7 of "Abstract of Health Laws," a copy of which I send in the same mail with this. Under the general provisions of the law relating to the care of infectious diseases, local boards of health may may require the disinfection of rooms which have been occupied by consumptives and of things that have been used by them. Yours truly,

A. G. YOUNG,
Secretary.

The State Sanatorium Association to which Dr. Young refers, is a duly organized body under the laws of the State, its pupose and object stated as "To establish and maintain a public institution or institutions for the isolation, treatment and cure of persons affected with pulmonary disease and to exert its influence toward the lessening of the prevalence of tuberculosis."

It was organized in December, 1900. Its officers are:—

President—Hon. John F. Hill, Governor.

Vice President—General Selden Conn, Lieut. Governor.

Secretary—Dr. A. G. Young.

Treasurer—Ireby Johnson, Augusta.

The Board of Trustees is Dr. C. F. Thayer, Waterville; Hon. P. O. Vickery, Augusta; Hiram W. Ricker, Poland Springs; A. W. Hall, Caribou; Hon. F. C. Whitehouse, Topsham; Hon. F. O. Beal, Bangor; Hon. Waldo Pettengill, Rumford Falls; Dr. S. H. Weeks, Portland; George Bliss, Waldoboro.

It is in its infancy, but has a membership of over 260 persons.

Prof. D. H. Weeks, of Portland, Maine, Vice President of the American Congress of Tuberculosis of Portland, Maine, a high sanitary authority writes as follows:—

Portland, Maine, July 8, 1901.

Clark Bell, Esq., LL D.

My Dear Sir.—We have no such law in our State, but hope to have one soon. Sincerely yours,

S. H. WEEKS.

MARYLAND.

Hon. John W. Smith, Governor of Maryland, referred the

subject to the Secretary of State Board of Health of that State, Dr. John S. Fulton, who replied as follows:—

Baltimore, July 3rd, 1901.

Mr. Clark Bell, Sec. American Congress of Tuberculosis, 39 Broadway, New York.

Dear Sir.—Yours to his Excellency, Governor Smith, referred to me, and in reply thereto I have to say that there is no law in Maryland on the subject of human tuberculosis, and no plans for State sanatoria have received legislative sanction.

Yours very truly,
JOHN S. FULTON,
Secretary.

MICHIGAN.

Governor Aaron T. Bliss, of that State, writes as follows:

June 13, 1901.

Mr. Clark Bell, Secretary, New York City, N. Y.

My Dear Sir.—Governor Bliss is in receipt of your favor of date, June 7th, and directs me to inform you that there has been no recent legislfon relative to tuberculosis or the construction of sanitaria. A bill providing for the establishment of a state sanitarium was introduced during the last session but failed to pass. A copy of the same is herewith enclosed.

Your very truly,
HERBERT E. JOHNSON,
Secretary to the Governor.

SECTION 1. That a State sanitarium for the care and treatment of incipient pulmonary tuberculosis patients, in some suitable locality, be and hereby is established.

SEC. 2. The Governor, by and with the advice and consent of the Senate, shall appoint five citizens of this State, three of whom shall be physicians legally registered as required by the laws of this State, who shall constitute the board of trustees of the Michigan State Sanitarium for the treatment of incipient pulmonary tuberculosis. The full term of office of each trustee shall be five years, one of such board retiring from office through expiration of his term each year, and his successor appointed for the full term. To effect such order of expiration of term of office, the first appointments shall be made for the respective terms of one, two, three, four and five years. Any such trustee may be removed by the Governor with the consent of the Senate, for such cause as they may deem sufficient, after an opportunity to be heard in his own defense has been granted him. Any vacancy arising in said board by reason of removal, accepted resignation or by death, shall be filled for the unexpired term by appointment in like manner as in first instance. A majority of the board shall constitute a quorum, but no business shall be transacted except by the affirmative vote of at least three members of said board.

SEC. 3. The lands to be held for the purposes herein mentioned shall in no instance be taken under the power of eminent domain except as expressly designated by the Legislature.

SEC. 4. For the purposes of this act, the board of trustees and their successors in office shall be a body corporate, with all the powers necessary to carry into effect this act.

SEC. 5. Said board of trustees shall have the general control of the property and concerns of the institution, and shall take charge of its general interests, and see that its designs be carried into effect, and everything therewith connected be faithfully performed according to the requirements of the Legislature.

SEC. 6. There shall be a thorough visitation of said sanitarium by two members of the board of trustees monthly, and by a majority of them quarterly, and by the whole board semi-annually, at each of which monthly visitations at least one of the board who is a physician shall be in attendance. At each visitation of said board of trustees, or portion thereof, a written report of the state of the institution shall be drawn up, all of which reports shall be presented at the annual meeting which shall be held between the first day of October and the first day of November. At the annual meeting the board of trustees shall make a detailed report and shall examine and audit the report of the treasurer, which shall be presented at said annual meeting, and shall transmit it with their annual report to the Governor and Senate.

SEC. 7. The board of trustees shall appoint a medical superintendent, not a member of said board, who shall be a graduate of a recognized medical college, of six years' experience in the practice of his profession, at least one year of which shall have been in the service of a general hospital, and who shall be chosen with special view to his skill and experience in the care and treatment of diseases of a tubercular nature. Such medical superintendent shall in all matters pertaining to the institution be under the general supervision of the board of trustees, who may remove him for cause which they deem sufficient, and appoint his successor.

SEC. 8. Said board of trustees shall appoint a treasurer, not a member of said board, who shall give an undertaking to the people of the State for the faithful performance of his trust, in such penal sum and form and with such sureties as the board of trustees shall approve. Such treasurer may at any time be removed, and his successor appointed, by said board of trustees in its discretion.

SEC. 9. The board of trustees shall appoint, upon the nomination of the medical superintendent, such other officers, assistants and employes in and for the sanitarium as may be, from time to time, necessary to carry into effect this act: Provided, however, That all medical officers and assistants shall be well educated physicians. All such officers, assistants and employes shall be under the direct supervision of the medical superintendent, and may be removed for cause by him. In case of removal by the medical superintendent of any such officers, assistants or employes, said medical superintendent shall forthwith report the same to the said board of trustees, together with his nomination of a successor.

SEC. 10. The board of trustees shall, from time to time as it may become necessary, determine the annual salaries and allowances of the officers, assistants and employes of said sanitarium: Provided, however, That the aggregate of such salaries and allowances shall not in any one year exceed the sum of $7,500.

SEC. 11. The board of trustees is hereby empowered and expressly directed to establish such by-laws as it may deem necessary and expedient for regulating the appointments and duties of officers, assistants, employes and attendants; for fixing the conditions of admission, support and discharge of patients; and for conducting in a proper manner the business of the institution; also to ordain and enforce a suitable system of rules and regulations for the internal government, discipline and management of the sanitarium.

SEC. 12. The board of trustees shall have authority to purchase on behalf of the State, real estate as a site for said sanitarium, and to cause to be erected thereon suitable buildings for said sanitarium, which shall furnish suitable accommodations for not less than two hundred patients, exclusive of the officers, assistants and employes, and to provide for the equipment of said buildings: Provided, however, That the expenditure for carrying out this act shall not exceed one hundred and fifty thousand dollars: And provided further, That no expenditure shall be made for the erection of buildings, except

for plans therefor, until said plans have been approved by the Governor and Senate. The trustees shall have power to make all contracts and employ all agents necessary to carry into effect this act.

SEC. 13. The board of trustees shall receive no compensation for their services, but their actual and reasonable expenses incurred in the performance of their duties shall be paid by the State Treasurer on the warrant of the Auditor General on th rendering of their accounts, out of any money to the credit of the general fund not otherwise appropriated.

SEC. 14. The medical superintendent shall be the chief executive officer of the sanitarium. He shall have the general superintendence of the buildings, grounds, together with the furniture, fixtures and stock, and the direction and control of all persons therein, subject to the by-laws and regulations established by the board of trustees. He shall daily ascertain the condition of all the patients, and prescribe their treatment in the manner directed in the by-laws. He shall cause full and fair accounts and records of all his doings, and the entire business and operation of the institution, to be kept regularly, from day to day, in books provided for that purpose, in the manner and to the extent prescribed in the by-laws; and he shall see that all the accounts and records are fully made up to the last day of September and present the same to the board of trustees at their annual meeting. It shall be the duty of the medical superintendent to admit any of the board of trustees into every part of the sanitarium, and to exhibit to him or them on demand all the books, papers and accounts, and writings belonging to the institution, or pertaining to its business, management, discipline or government; also to furnish copies, abstracts and reports whenever required so to do by said board. The medical supeirntendent shall make in a book kept for that purpose, at the time of reception, a minute, with the date of the same, of the name, age, residence, occupation and such other statistics in regard to patients admitted to the sanitarium as the by-laws may require.

SEC. 15. The treasurer shall have the custody of all monies, bonds, notes, mortgages and other securities and obligations belonging to the sanitarium. Said monies shall be disbursed only for the uses and benefit of the sanitarium, and in the manner prescribed by the by-laws, upon the written order of the medical superintendent, specifying the object of the payment. He shall keep full and accurate accounts of the receipts and payments, in the manner directed in the by-laws, and such other accounts as the board of trustees shall prescribe. He shall further render an account of the state of the books, and of the funds and other property in his custody, whenever required so to do by the board of trustees. He shall have all accounts and records pertaining to his office fully made up to the last day of September and present the same to the board of trustees at their annual meeting.

SEC. 16. The charges for the support of the patients of said sanitarium as are of sufficient ability to pay for same, or have persons or kindred bound by law to maintain them, shall be paid by such patients, such persons, or such kindred, at a rate to be determined by the board of trustees of said sanitarium. The board of such patients as have a legal settlement in some city or town shall be paid by such city or town, if such patients are received at said sanitarium at the request of the overseer of the poor of such city or town. The trustees may receive, at their discretion, other patients who may be without means to defray their expenses, and the board of all such patients shall be paid out of the treasury of the State.

SEC. 17. The sum of one hundred and fifty thousand dollars is hereby appropriated for the purpose of purchasing a site and of erecting, constructing and equipping the sanitarium and buildings as are herein provided for. The treasurer of the State shall, on

the warrant of the Auditor General and on the certificate of the State architect, pay over to the treasurer of said sanitarium the above named sum in such amounts as may, from time to time, in the judgment of the board of trustees be necessary.

Dr. Henry B. Baker, Secretary State Board of Health, Vice President American Congress of Tuberculosis, writes as follows in response to inquiry:

Lansing, Mich., June 25, 1901.

Clark Bell Esq., Sec. American Congress of Tuberculosis, 39 Broadway, N. Y.

Dear Sir.—Replying to your letter of June 24th, permit me to state that there are no laws in this state regarding sanatoria for consumptives, nor any relating specifically to the prevention of tuberculosis. I enclose herewith a copy of the law requiring the notification of cases of any "disease dangerous to the public health." A case is now in the Michigan courts to determine whether or not consumption is such a disease within the meaning of that statute.

Very Respectfully,
HENRY B. BAKER,
Secretary.

Sections 4452, 4453 and 4454, Compiled Laws 1897 (Secs. 87, 88 and 89, Public Health Laws 1899), are as follows:

(4452.) SEC. 43. Whenever any householder, hotel keeper, keeper of a boarding house, or tenant, shall know, or shall be informed by a physician, or shall have reason to believe that any person in his family, hotel, boarding house or premises, is taken sick with smallpox, cholera, diphtheria, scarlet fever, or any other disease dangerous to the public health, he shall immediately give notice, in writing, thereof to the health officer of the township, city or village in which he resides. Said notice shall state the name of the person sick, the name of the disease, if known, the name of the householder, hotel keeper, keeper of boarding house or tenant giving the notice, and shall, by street and number, or otherwise, sufficiently designate the house in which he resides or the room in which the sick person may be; and if he shall refuse or wilfully neglect immediately to give such notice, he shall be deemed guilty of a misdemeanor, and upon conviction thereof he shall be punished by a fine of not exceeding one hundred dollars and costs of prosecution; or in default of payment thereof, by imprisonment not exceeding ninety days in the county jail, in the discretion of the court: Provided, That such fine or imprisonment shall not be enforced if the physician in attendance has given to the health officer or other officer hereinbefore mentioned an immediate notice of said sick person and true name of the disease, in accordance with the requirements of this section.—Sec. 1675, Howell's Statutes.—As amended by Act 37, Laws of 1889, and by Act 158, approved May 18, 1895; Sec. 87, Public Health Laws 1899.

(4453.) SEC. 44. Whenever, any physician shall know that any person whom he is called to visit, or who is brought to him for examination, is infected with smallpox, cholera, diphtheria, scarlet fever, or any other disease dangerous to the public health, he shall immediately give notice thereof to the health officer of the township, city or village, in which the sick person may be; and to the householder, hotel keeper, keeper of a boarding house, or tenant within whose house or rooms the sick person may be. The notice to the officer of the board of health shall state the name of the disease, the name, age and sex of the person sick, also the name of the physician giving the notice; and shall, by street and number, or otherwise, sufficiently designate the houes or room in which said

sick person may be. And every physician and person acting as a physician, who shall refuse or neglect immediately to give such notice shall forfeit for each such offense a sum not less than ten nor more than fifty dollars.* Provided, That this penalty shall not be enforced against a physician if another physician in attendance has given to the health officer, or other officer hereinbefore mentioned, an immediate notice of said sick person, and the true name of the disease, in accordance with the requirment of this section.—Sec. 1676, Howell's Statutes.—As amended by Act 11, Laws of 1883, and by Act 158, approved May 18, 1895; Sec. 88, Public Health Laws 1899.

(4454.) SEC. 50. For each complete notice in writing to an officer of the board of health, in full compliance with the preceding section, requiring from physicians, or other person, notices of diseases dangerous to the public health, the physician who gave the notice shall be entitled, on duly certifying that each notice was correct, and when the bill has been duly audited by the board of health, to receive from the township, city or village, in which the notice was given, the sum of ten cents.—Sec. 1681a Howell's Supplement; Sec. 89, Public Health Laws, 1899.

MINNESOTA.

Hon. S. A. Van Sant, Governor of Minnesota, responds as follows:—

Clark Bell, Esq., New York.

Dear Sir.—Answering your communication of recent date, permit me to say that a sanatorium for consumptives has not as yet been constructed. You will observe by an examination of the inclosed bill, that a commission has been named to select a suitable location. The commission, of which Dr. Rogers, of St. Paul, is chairman, are now considering the matter of a suitable location for such an institution.

Respectfully,
S. R. VAN SANT,
Governor.

Chapter 300—S. F. No. 502.— Laws of Minnesota for 1901.

An act to appoint a commission to investigate the advisability of establisfing a state sanatorium for consumpitves, and to appropriate money therefor.

Be it enacted by the Legislature of the State of Minnesota:

SEC. 1. That within thirty (30) days after the passage of this act, the governor shall appoint three (3) persons, residents and freeholders of this state, whose duty it shall be to investigate into the advisability of establishing a state sanatorium for consumptives.

SEC. 2. Should said commission deem it advisable for the state to establish such an institution, then it shall become their duty to ascertain what location would be the most desirable and what building or buildings would be most suitable for such sanatorium.

SEC. 3. Such commission shall render a full report of their investigations and doings under this act to the Legislature of the state, to convene in the year 1903.

SEC. 4. Each member of said commission shall, before entering upon the performance of his duties as such member, take and subscribe an oath that he will faithfully perform his duties as member of said commission, which said oath, with the certificate of the officer administering the same, shall be filed in the office of the secretary of state.

SEC. 5. Said commission shall receive no salary or compensation for their services, but they shall receive their necessary expenses incurred in their performance of their duties under this act.

SEC. 6. To carry into effect the purpose specified in this act,

there is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of one thousand dollars. ($1,000).

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved April 13, 1901.

MISSISSIPPI.

Governor A. H. Lengino referred my letter to the State Board of Health of that State, which elicited the following reply from Dr. J. F. Hunter, the Secretary and Chief Executive officer of that Board:—

Jackson, Miss., July 11, 1901.

Mr. Clark Bell, 39 Broadway, New York, N. Y.

Dear Sir.—Your letter of the 25th ult. to Governor A. H. Longino has been referred to me, and I will state for your information that no act or legislation has been enacted by this State regarding the construction of a sanatoria for consumptives. It is a shame that the State of Mississippi has no established sanatoria for this purpose. A recommendation will be made to the next Legislature by the State Board of Health requesting an appropriation for this purpose.

Yours truly,

J. F. HUNTER.

MISSOURI.

Governor Alexander M. Dockery, of that State, replies as follows:

Jefferson, Mo., June 28, 1901.

Clark Bell, Esq., New York, N. Y.

Dear Sir.—The State of Missouri has passed no such law as the one to which you refer.

Very truly yours,

A. M. DOCKERY.

MONTANA.

Hon. Joseph K. Toole, Governor of Montana, responds as follows:—

Helena, Montana, July 1, 1901.

Mr. Clark Bell, Secretary, 39 Broadway, New York, N. Y.

My Dear Sir.—I am directed by the governor to acknowledge receipt of your communication under date of June 25, 1901, in which you ask for any laws that the State of Montana might have, bearing upon the construction of a sanitoria for consumptives, and to reply saying that Montana has no such laws, and that he regrets that he is unable to give you the information asked for.

Very respectfully,

LON. R. HASS,
Private Secretary.

NEBRASKA.

Hon. C. H. Dietrich, Governor of Nebraska, who has been elected Senator of the United States, replies to my letter as follows:—

Lincoln, Nebr, July 2, 1901.

Clark Bell, 39 Broadway, New York City.

Dear Sir.—Answering your favor of June 25th, will say that there has been no legislation in this state regarding the construction of sanitoria for consumptives. Very respectfully,

C. H. DIETRICH.

NEBRASKA.

The change in the office of the Governor of Nebraska, on the occasion of electing Governor Dietrich to the Senate of the United States, was perhaps the reason why we were not officially informed of the names and addresses of the delegates from that State, and explains why they were omitted.

In answer to our inquiries and also for the list of the delegates, the following reply came from the successor to that chair:

Lincoln, Neb., July 8, 1901.

Mr. Clark Bell, Sec'y American Congress of Tuberculosis, 39 Broadway, New York City.

Dear Sir.—Attached please find a list of delegates appointed by ex-Governor Dietrich to the Tuberculosis Congress held in New York City last May.

No legislation has ever been enacted in this State providing for the establishment of sanitaria for consumptives, nor has there been any legislation particularly directed to that subject. The fact is that our State Board of Health, which is composed of the Governor, Attorney General and Superintendent of Public Instruction, which is authorized to appoint three secretaries who shall be physicians, is almost wholly without power or authority to carry out any measures for the prevention of contagious diseases. We take care of our live stock all right, but have not progressed so far as to look after the welfare of the human family. We hope to improve.

Yours very truly,

H. C. LINDSAY,
Secretary to the Governor.

Dr. J. Hiddegand Tyndale, of Lincoln, Nebraska, a Vice President of the American Congress of Tuberculosis, replies as follows to my letter:—

Lincoln, Neb., July 8, 1901.

Hon. Clark Bell, Dundee, N. Y.

My Dear Sir.—There are no laws in Nebraska respecting sanitoria or any legislation in reference to same.

A state hospital for poor consumptives is contemplated and plans are being pushed. It is to be located three miles from Lincoln—once the Western Normal College. Cordially yours,

J. H. TYNDALE.

NEW HAMPSHIRE.

Governor Chester B. Jordan reports that the following action was taken last winter:

A joint resolution in favor of a committee to consider the question of a state sanitarium for consumptives, was passed, viz:

Resolved by the senate and house of representatives in general court convened:

That the governor be, and is, hereby authorized and instructed to appoint a committee consisting of three, or five, members, one of whom shall be a member of the State Board of Health, to consider the question of a state sanitarium for consumptives; and who shall report to the next legislature the best location for, and probable cost of erection and maintenance of, such an institution, together with such recommendations as they deem proper; (the report to be submitted to the legislature sometime during the first six days of the session); the committee to serve without pay, except for actual necessary expenses, which shall be paid from money in the treasury not otherwise appropriated, and the governor is hereby authorized to draw his warrant for the same.

Approved February 15, 1901.

Gov. Jordan, of New Hampshire, has appointed the following Commissioners under the Act:

Irving A. Watson, M. D., of Concord, of the State Board of Health.

Nathaniel G. Brooks, M. D., of Charleston.

Ezra Mitchell, M. D., of Charleston.

NEW JERSEY.

Gov. Foster M. Voorhees, replies as follows:

June 28, 1901.

Mr. Clark Bell, 39 Broadway, New York City.

Dear Sir.—In answer to your letter of the 25th inst., to Governor Voorhees, I beg to enclose you herewith, a copy of a bill introduced at the last session of the legislature. No action was taken thereon, however, and hence the bill failed to become a law.

Yours truly,

HOBART TUTTLE,
Private Secretary.

Be it enacted by the Senate and General Assembly of the State of New Jersey.

1. The governor, with the advice and consent of the senate, shall appoint six persons, who shall constitute the board of trustees of the New Jersey sanitarium for tubercular patients, and who shall hold office for the terms of one, two, three, four, five and six years respectively, beginning with the first day of April in the present year, and until their respective successors are appointed and qualified; and previous to the first day of April in each year thereafter the governor shall, in like manner, appoint one such trustee, to hold office for the term of six years, beginning with the first day of April in the year of his appointment, and until his successor is appointed and qualified; any such trustee may be removed by the governor for such cause as he may deem sufficient and as shall be assigned in the order of removal; any vacancy occuring in said board shall be filled in like manner for the unexpired term; the said board of trustees shall serve without compensation, and shall immediately organize by electing a president, secretary and treasurer.

2. The lands held by said trustees in trust for the state, for the use of said sanitarium, as hereinafter provided, shall not be taken for street, highway or railroad without leave of the legislature specially obtained.

3. As soon as may be, after organization, said board of trustees shall procure offers of sites for the location of said sanitarium, with the prices thereof, and shall procure plans for the said sanitarium building or buildings to be made, with estimates of the cost thereof, necessary to properly fit said building or buildings for the purposes of said sanitarium, and report the same to the governor with their recommendation thereon, and upon his approval, are authorized to enter into contracts for the purchase of such site, and the erection and equipment of said sanitarium; provided, however, that the expenditure for carrying out the purposes of this act shall not exceed fifty thousand dollars.

4. No member of the board of trustees shall be directly or indirectly interested in any contract in connection with said sanitarium, or with the furnishing of supplies for said sanitarium, and the violation of this section shall be a misdemeanor.

5. The board of trustees shall not order the expenditure of any money, or make any contract or contracts except by a majority vote of all its members, which vote shall be taken by ayes and nays and entered on the minutes of said board of trustees.

6. Said board of trustees shall have the general direction and control of all the property and concerns of said sanitarium, not otherwise provided by law, and shall take charge of the general interests of said sanitarium, and see that the objects and designs thereof are carried into effect, and everything done faithfully according to the requirements of the legislature and the by-laws, rules and regulations of said sanitarium.

7. The said board of trustees shall make rules and regulations for the government of said sanitarium; they shall make all needful by-law, rules and regulations for the government of the proceedings of said board of trustees, and shall fix the terms for care and board upon which all persons who are able to pay their board shall be admitted to said sanitarium; but no person shall be refused admission to said sanitarium because of his or her inability to pay; they shall appoint all medical directors and assistant physicians, employes, nurses and servants and fix their compensation; all rules and regulations made by said board of trustees in pursuance of this section shall be made subject to the approval of the governor.

8. Said board of trustees shall have authority to recover for the use of said sanitarium, any and all sums which may be due upon any note or bond in their hands belonging thereto; also, any and all sums which may be charged and due, according to the by-laws, for the support of any patient therein, or who may have been therein, in which action the declaration may be in a general indebitatus assumpsit, and judgment shall be rendered for such as may be found due, with interest from the time of the demand made by the treasurer of such payment; said board of trustees may also, upon the receipt of the money due upon any mortgage belonging to said sanitarium, execute and acknowledge, or cause to be executed and acknowledged, a release thereof, so that the same may be discharged of record.

9. It shall be the duty of said board of trustees to visit said sanitarium at least twice in each year, and to inspect said sanitarium and management, and to make, in their annual report, such recommendations as they may deem necessary concerning said sanitarium.

10. This act shall take effect immediately.

SUPREME COURT OF MINNESOTA.
THE PRESENT BENCH,

HON. DANIEL BUCK,
Associate Justice.

HON. LOREN W. COLLINS,
Associated Justice.

HON. CHARLES M. START,
Chief Justice.

HON. WM. MITCHELL,
Associate Justice.

HON. THOMAS CANTY,
Associate Justice.

From advance sheets Supreme Court of the States and Territories of North America.

New Mexico.

The Governor of New Mexico replies to my inquiry as follows:—

Santa Fe, July 6, 1901.

Clark Bell, Esq., Secy American Congress of Tuberculosis, 39 Broadway, New York.

Dear Sir.—We are in receipt of your letter of the 25th ult. We do not have any law in this territory regarding the construction of sanitariums for consumptives. Yours very truly,

MIGUEL A. OTERO,
Governor of New Mexico.

New York.

The Governor of New York in reply sends me a copy of the act passed in that State for the establishment of a State Hospital in the Adirondacks, passed April 12, 1900.

Chapter 416, Laws of 1900, of which the following is a copy:

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Establishment and objects of hospital.—A state hospital in some suitable locality in the Adirondacks, for the treatment of incipient pulmonary tuberculosis is hereby established.

§ 2. Trustees.—The governor, by and with the advice and consent of the senate, shall appoint five citizens of this state, of whom two shall be physicians, who shall constitute the board of trustees of the New York state hospital for the treatment of incipient pulmonary tuberculosis. The full term of office of each trustee shall be five years, and the term of office of one of such trustees shall expire annually. To effect such order of expiration of terms of trustees, the first appointments shall be made for the respective terms of five, four, three, two and one years. Appointments of successors shall be for the full term of five years, except that appointment of persons to fill vacancies occurring by death, resignation or other cause, shall be made for the unexpired term. Failure of any trustee to attend in each year two stated meetings of the board shall cause a vacancy in his office, unless said absence be excused by formal action of the board. The trustees shall receive no compensation for their services, but shall be allowed their actual and necessary traveling and other expenses, to be paid on the audit and warrant of the comptroller. Any of said trustees may at any time be removed from office by the governor by and with the consent of the senate for any cause they may deem sufficient after an opportunity to be heard in his or her defense, and others may be appointed in their places as herein provided. Three members of the board of trustees shall constitute a quorum, but no business involving expenditure shall be transacted except by the affirmative vote of at least three members.

§ 3. Lands.—The lands to be held for the purposes herein mentioned shall not be taken for any street, highway or railway without leave of the legislature.

§ 4. Powers and duties of trustees.—For the purposes of this act the said trustee and their successors shall be a body corporate with all the powers necesary to carry into effect the purposes of this act, together with the following powers, duties and obligations. They shall,

1. Take care of the general interests of the hospital and see that its design is carried into effect, according to law, and its by-laws, rules and regulations.

2. Establish such by-laws, rules and regulations as they may deem necessary and expedient for regulating the appointment and duties of officers and employees of the hospital, and for the internal government, discipline and management of the same.

3. Maintain an effective inspection of the affairs and management of the hospital, for which purpose the board shall meet at the hospital at least once in every three months, and at such other times as may be prescribed in the by-laws. The annual meeting of the board of trustees shall be held on the second Saturday of January.

4. Keep in a book provided for that purpose, a fair and full record of the doings of the board, which shall be open at all times to the inspection of its members, the governor of this state, and officers of the state board of charities, or any person appointed by the governor or either house of the legislature to examine the same.

5. Cause to be typewritten within ten day after each meeting of such trustees or of a committee thereof, the minutes and proceedings of such meeting, and cause a copy thereof to be sent to each member of such board.

6. Enter in a book kept by them for that purpose, the date of each of their visits, and the condition of the hospital and patients and all such trustees present shall sign the same.

7. Make to the legislature in January of each year, a detailed report of the results of their visits and inspection, with suitable suggestions and such other matter as may be required of them by the governor, for the year ending on the thirty-first day of December, preceding the date of such report. The resident officers shall admit such trustees into every part of the hospital and its buildings, and exhibit to them on demand all the books, papers, accounts and writings belonging to the hospital or pertaining to its business management, discipline or government, and furnish copies, abstracts and reports whenever required by them.

§ 5. Annual report; state board of charities.—The board of trustees of the hospital shall annually, on or before the first day of November, for the preceding fiscal year, report to the state board of charities the affairs and conditions of the hospital, with full and detailed estimates of the next appropriation required for maintenance and ordinary uses and repairs, and of special appropriations, if any, needed for extraordinary repairs, renewals, extensions, improvement, betterments or other necessary objects, as also for the erection of additional buildings; and the state board of charities shall, in its annual report to the legislature, certify what appropriations are, in its opinion, necessary and proper. The said hospital shall be subject to the visitation and to the general powers of the state board of charities.

§ 6. Donations in trust.—The trustees may take and hold in trust for the state any grant or devise of land, or any gift or bequest of money or other personal property, or any donation, to be applied principal or income, or both, to the maintenance and the general uses of the hospital.

§ 7. Site of hospital.—The said trustees are hereby empowered to select a site for the establishment of said hospital, such site to be subject to the approval of the state board of health and the Forest preserve board. The said trustees are empowered to contract for the purchase of, to acquire title to and to hold a tract of land not exceeding one thousand acres in extent for the establishment of such hospital, or at the request of the said trustees, subject to the

approval of the state board of health, the Forest preserve board may set apart a like amount of land owned by the state for the purposes of said hospital.

§ 8. Buildings and improvements.—The trustees to be appointed under the provisions of this act are authorized, empowerd and required as soon as the site for such hospital is selected and approved to proceed with the construction and equipment of all necessary and suitable buildings including heating, lighting, plumbing, laundry fixtures and water supply therefor, and with the construction of roads thereto, upon plans adopted by them, to be approved by the state architect, and the state board of charities at an expense not to exceed one hundred and fifty thousand dollars, which buildings shall furnish accommodations for at least two hundred patients beside the officers, employees and attendants of said institution. The said trustees shall have power to select plans approved as above and to make and award contracts for the erection and construction of said buildings, and the equipment above provided; but no part of the several sums herein appropriated shall be available for any construction, improvement or purchase unless a contract or contracts shall have first been made for the completion or purchase within the appropriation therefor and the performance thereof secured by a satisfactory bond approved by the comptroler.

§ 9. Superintendent and treasurer.—The trustees shall also have power to appoint a superintendent of the hospital, who shall be a well-educated physician, not a member of the board of trustees, a graduate of a legally chartered medical college, with an experience of at least six years in the actual practice of his profession, including at least one year's actual experience in a general hospital, and a treasurer, who shall give an undertaking to the people of the state for the faithful performance of his trust in such penal sum and form and with such sureties as the comptroller shall approve. Said officers may be discharged or suspended at any time by the said board of trustees in its discretion.

§ 10. Duties of superintendent.—The superintendent shall

1. Appoint such employees as are necessary and proper for the due administration of the affairs of such institution, prescribe their duties and places and, subject to the approval of the trustees, fix their compenation, within the appropriation fixed therefor.

2. Oversee and secure the individual treatment and personal care of each and every patient of the hospital while resident therein, and keep a proper oversight over all the inhabitants thereof.

3. Have the general superintendence of the buildings and grounds with their furniture and fixtures and the direction and control of all persons employed in and about the same.

4. Give from time to time such orders and instructions as he may deem best calculated to induce good conduct, fidelity and economy in any department for the treatment of patients.

5. Maintain salutary discipline among all employees, patients and inmates of the hospital, and enforce strict compliance with his instructions, and obedience to all the rules and regulations of the hospital. He shall, under the supervision and control of the board, discharge such patients as are sufficiently restored to health, or such as are found to be unsuitable patients for the hospital.

6. Cause full and fair accounts and records of the conditions and prospects of the patients to be kept regularly, from day to day, in books provided for that purpose.

7. See that such accounts and records shall be fully made up to the first days of January, April, July and October, in each year, and that the principal facts and results with the report thereon be presented to the trustees at their regular meetings.

8. Conduct the official correspondence of the hospital, and keep a record or copy of all letters written, and files of all letters received.

9. Prepare and present to the board, at its annual meeting, a true and perfect inventory of all the personal property and effects belonging to the hospital, and account, when required by the board, for the careful keeping and economical use of all furniture, stores and other articles furnished for the hospital.

§ 11. Duties of treasurer.—The treasurer, among his other duties, shall

1. Have the custody of all moneys received and all money, notes, mortgages and other securities and obligations belonging to the hospital.

2. Keep a full and accurate account of all receipts and payments, in the form prescribed by the by-laws, and such other accounts as shall be required of him by the trustees.

3. Balance all the accounts on his books on the first day of each January, and make a statement thereof, and an abstract of all the receipts and payments of the past year; and within five days thereafter deliver the same to the auditing committee of the trustees, who shall compare the same with his books and vouchers, and verify the same by a comparison with the books of the superintendent, and certify the correctness thereof to the trustees at their annual meeting.

4. Render a quarterly statement of his receipts and payments to such auditing committee who shall, in like manner as above, compare, verify, report and certify the result thereof, to the trustees at their annual meeting, who shall cause the same to be recorded in one of the books of the hospital.

5. Render a further account of the state of his books, and of the funds and other property in his custody, whenever required by the trustees.

6. Receive for the use of the hospital, money which may be paid upon obligations or securities in his hands belonging to the hospital; and all sums paid to the hospital for the support of any patient therein or for actual disbursements made in said patient's behalf for necessary clothing and traveling expenses; and money paid to the hospital from any other source.

7. Prosecute an action in the name of the hospital to recover money due or owing to the hospital, from any source; including the bringing of suit for breach of contract between private patients or their representative and the trustees of the hospital.

8. Execute a release and satisfaction of a mortgage judgment, lien or other debt when paid.

9. Pay the salaries of the superintendent and of all employees of the hospital, and the disbursements of the officers and members of the board as aforesaid. The treasurer shall have power to employ counsel, subject to the approval of the board of trustees.

10. Deposit all moneys received for the care of private patients and all other revenues of the hospital, in a bank designated by the comptroller, and as often as the comptroller may require, transmit to the comptroller a statement showing the amount so received and deposited and from whom, and for what received, and the dates on which such deposits were made. Such statement of deposit shall be certified by the proper officer of the bank receiving such deposit or deposits. The treasurer shall make affidavit that the sum so deposited is all the money received by him from any source of income for the hospital up to the date of the latest deposit appearing on such statement. A bank designated by the comptroller to receive such deposits shall, before any deposit be made, execute a bond to the people of the state in a sum and with sureties to be approved by the comptroller, for the safe keeping of such deposits.

§ 12. Medical assistants and examining physicians.—All medical assistants shall be appointed by the superintendent. No medical assistant shall be appointed who is not a well-educated physician and a graduate of a legally chartered medical college, and with an experience of at least two years in the actual practice of his profession, including at least one year's actual experience in a general hospital. Said trustees shall also appoint in all the cities of the state reputable physicians, citizens of the state of New York, who shall examine all persons applying for admission to said hospital for treatment. There shall be not less than two or more than four of such examining physicians appointed in cities of the first class, and two each in cities of the second and third class. Said examining physicians shall have been in the regular practice of their profession for at least five years, and shall be skilled in the diagnosis and treatment of pulmonary diseases. Their fee or compensation for each patient examined shall be three dollars. Not more than one-half of all the physicians to be appointed under this section shall belong to the same school of medicine or practice.

§ 13. Free patients.—The trustees of said hospital to be appointed under and pursuant to the provisions of this act, and their successors, are hereby given power and authority to receive therein patients who have no ability to pay, but no person shall be admitted to the hospital who has not been a citizen of this state for at least one year preceding the date of application. Every person desiring free treatment in said hospital shall apply to the local authorities of his or her town, city or county having charge of the relief of the poor, who shall thereupon issue a written request to the superintendent of said hospital for the admission and treatment of such person. Such request shall state in writing whether the person is able to pay for his or her care and treatment while at the hospital, which request and statement shall be kept on file by the superintendent in a book kept for that purpose in the order of their receipt by him. When said hospital is completed and ready for the treatment of patients, or whenever thereafter there are vacancies caused by the death or removal, the said superintendent shall thereupon issue a request to an examining physician, appointed as provided for in section twelve, in the same city or county, and if there be no such examining physician in said city or county then to the nearest examining physician, for the examination by him of said patient. Upon the request of such superintendent said examining physician shall examine all persons applying for free admission and treatment in said institution, and determine whether such persons applying are suffering from incipient pulmonray tuberculosis. No person shall be admitted as a patient in said institution without the certificate of one of said examining physicians certifying that such applicant is suffering from incipient pulmonary tuberculosis. Admissions to said hospital shall be made in the order in which the names of applicants shall appear upon the application book to be kept as above provided by the superintendent of said hospital, in so far as such applicants are subsequently certified by the said examining physician to be suffering from incipient pulmonary tuberculosis. Every person who is declared as herein provided to be unable to pay for his or her care or treatment, shall be transported to and from the hospital at the expense of said local authorities.

§14. Private patients.—Applicants for admission to this institution who are able to pay for their care and treatment are not required to obtain a written request from the local authorities having charge of the relief of the poor, but shall apply in person to the superintendent who shall enter the name of such applicant in the book to be kept by him, for that purpose, as provided in section thirteen; and when there is room in said hospital for the admission of such

applicant, without interfering with the preference in the selection of patients, which shall always be given to the indigent, such patient shall be admitted to the hospital upon the certificate of one of the examining physicians, which certificate shall be kept on file by the said superintendent.

§ 15. Support of free patients.—At least once in each month the superintendent of the hospital shall furnish to the comptroller a list countersigned by the treasurer of the hospital of all the free patients in the hospital, together with sufficient facts to enable the comptroller to collect from the proper local official having charge of the relief of the poor such sums as may be owing to the state for the examination, care and treatment of the patients who hve been received by the hospital and who are shown by the statement of such local official to be unable to pay for their care and treatment. The comptroller shall thereupon collect from the said local official the sums due for the care and treatment of each such patient at a rate not exceeding five dollars per week for each patient.

§ 16. Support of private patients.—The trustees shall have power and authority to fix the charges to be paid by patients who are able to pay for their care and treatment in said hospital, or who have relatives bound by law to support them, who are able to pay therefor.

§ 17. Appropriation.—The sum of fifty thousand dollars is hereby appropriated for the purpose of purchasing a site and of erecting, constructing and equipping the hospital and buildings as herein provided. The treasurer of the state shall, on the warrant of the comptroller, and on the certificate of the state architect pay to the treasurer of the trustees of said hospital the above named sums in such amounts as may, from time to time, in the judgment of the trustees, be necessary.

§ 18. When to take effect.—This act shall take effect immediately.

State of New York,
Office of the Secretary of State. ....

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

JOHN T. McDONOUGH,
Secretary of State.

NEW YORK.

Dr. Daniel Lewis, one of the leading physicians of the State, and a sanatarian of great ability, is President of the State Board of Health. His reply to my inquiry is as follows:—

252 Madison Av., New York, July 13th, 1901.

Hon. Clark Bell, 39 Broadway, City.

Dear Mr. Bell.—We have no laws in this state concerning sanatoria of the character to which you refer in your letter of the 1st.

The only thing the state has done was to pass an act last year appointing a commission to locate and erect a consumptive hospital in the Adirondacks, for which $50,000 was appropriated, and another appropriation for the same commission at the session of 1901, for $100,000. The question of a site for this hospital is still open. The Governor, Senator Ellsworth, President pro tem of the Senate, and Mr. Nixon, Speaker of the Assembly, were appointed to review the location which had been decided upon by the commission at Ray Brook.

This special committee has thus far taken no action, so far as I know, and nothing of course has been commenced looking to the erection of the buildings. Very truly yours,

DANIEL LEWIS.

New York City.

The following is the reply of Hon. John B. Sexton, President of the Board of Health of the City of New York in reply to my letter of inquiry to which the reply alludes:—

Department of Health, City of New York,
S. W. Cor. 55th Street and Sixth Avenue,
Borough of Brooklyn, Manhattan,
New York, July 24, 1901.

Dr. Clark Bell, Secretary American Congress of Tuberculosis, 39 Broadway, New York City.

Dear Sir:—I beg to acknowledge the receipt of your communication to the President of this Board, requesting to be furnished with copies of the Sanitary Code of this Department, and information relating to the mehods employed by the Board of Health in respect to tuberculosis, for the American Congress of Tuberculosis, to be published in its transactions, and to inform you I have this day mailed to you all the literature we have in this Department upon that subject, also a copy of the Sanitary Code.

In reply to your request to be informed how far the ravages of tuberculosis can be averted and the best methods for the attainment of such results, I beg to say this information will be prepared and submitted to you by Dr. H. M. Biggs, the Chief of the Division of Bacteriology of this Department.

Very Respectfully,

C. GOLDENNAU,
Secretary pro tem.

The following is a list of the several reports, articles and printed matter accompanying the letter of the Hon. John B. Sexton, President of the Board of Health of the Department of Health of the City of New York:

1. Sanitary Code of the Board of Health of the Department of Health, New York City. (1900).
2. Report of the Board of Health to the Mayor of New York City on "Pulmonary Tuberculosis." (1897).
3. Circular to Physicians as to Restriction and Prevention from Health Department, New York City. (1897).
4. Circular to Farmers relating to the Collection and care of milk from New York Health Department. (May, 1901).
5. Circular from New York Health Department, regarding "Reporting Cases of Tuberculosis," with set of blank forms for (1901).
6. Circular of Information as to the growth of Bacteria in milk. (1901).
7. Circular as to Bacteriaological Examinations of Pulmonary Tuberculosis. (1897).
8. Circular to Physicians on, "Prevention of Tuberculosis."
9. Circular of Physicians to Consumptives. (1899).
10. Report on Tuberculosis by Herman Biggs, M. D., Chief Inspector of Pathology Bacterological and Disinfection.
11. Forms used by Medical Inspectors.
12. Forms of Notice to Superintendents of Institutions.

13. Form of Report of Medical Inspectors.
14. Paper by Herman Biggs, M. D., entitled "The Regulation of Tuberculosis."
15. Paper by Herman M. Biggs, M. D., and Arthur R. Greenard, M. D., on "Antitoxin Serum in Diphtheria."

NORTH CAROLINA.

Hon. Charles B. Aycock, Governor of North Carolina, replies as follows:

State of North Carolina, Executive Department, Raleigh, July 1.
Clark Bell, Esq., 39 Broadway, New York.
Dear Sir.—There is no legislation in this State regarding the construction of a Sanitoria for consumptives. Dr. Westry Battle, of Asheville, N. C., will furnish any information which you may desire in reference to Sanitoria for consumptives in this State.
Very Truly Yours,
CHARLES B. AYCOCK, Governor.

NORTH DAKOTA.

Hon. Frank White, Governor of North Dakota, replies as follows:

June 29, 1901.
Clark Bell, Esq., 39 Broadway, New York, N. Y.
Dear Sir.—I beg to acknowledge receipt of your favor of June 25th to Governor White, and in reply will state that we have no legislation regarding the construction of sanitoria for consumptives in this State.
Very respectfully,
C. W. GEDCHEY,
Private Secretary.

OHIO.

The letter enclosed from Governor Geo. K. Nash, of that State, is as follows:

Columbus, Ohio, June 27, 1901.
Mr. Clark Bell, 39 Broadway, New York City.
Dear Sir.—Replying to your favor of the 25th instant, the Governor directs me to say that there has been no legislation in this State concerning the construction of sanitoria for consumptives; therefore, there is no data he can furnish you.
Very truly yours,
FREDERICK L. LINKS,
Private Secretary.

PENNSYLVANIA.

The following is the reply from that State:

1420 Chestnut St., Philadelphia, June 29, 1901.
Clark Bell, Esq., Sec. American Congress of Tuberculosis, 39 Broadway, New York, N. Y.
Dear Sir.—His Excellency, the Governor of Pennsylvania, has referred to me for reply your communication of the 25th inst., in which you request a copy of any act or legislation enacted in our state regarding the construction of sanatoria for consumptives.
I would say in reply that no such legislation has as yet been proposed in this State. An application was made, however, to the legislature for an appropriation in aid of a movement known as the

"Free Hospital for the Consumptive Poor," and the legislature included an item of $110,000 for this purpose in the general appropriation act. This has not yet received the sanction of the Governor, and it is possible that the amount may be either cut down or stricken out altogether. The Commissoner of Forestry of the state, Dr. J. T. Rothrock, whose office is in Harrisburg, is considering the possibility of establishing sanitary camps for those in the early stages of this disease on certain of the forestry reservations, and has invited me to make a visit of inspection to the different reservations in order to determine on appropriate sites for such camps.

I shall be glad to let you know if this movement takes definite shape.

Yours very truly,

BENJAMIN LEE,
Secretary.

Dic. to D. V. D.

Rhode Island.

Dr. Jay Perkins, of Providence, is a close student of the subject, with a fine experience in the treatentm.

I wrote him, and the following is is his reply:—

July 11, 1901.

Clark Bell, Esq., New York.

Dear Sir.— Your letter in reference to sanatoria in Rhode Island was received and then mislaid until to-day, and I regret not having answered it before.

We have, as yet, in Rhode Island no provision for taking care of tuberculous patients in separate institutions. In connection with the State's Almshouse, there is a separate pavilion where the consumptives are isolated and given excellent care, but this is open only to inmates of the Almshouse. In St. Joseph's Hospital they take a certain number of tuberculous patients and have a separate ward for them; their accomodations for these patients are quite limited, however.

At the Rhode Island Hospital I have charge of an out-patient department devoted exclusively to cases of pulmonary tuberculosis; this has been established one year.

At the last session of the legislature a committee was appointed to inquire into and report upon the advisability of establishing a State sanatorium for curable cases. This committee is at work upon the subject and will make a favorable report, and as there is a favorable sentiment in the legislature we hope to see something done. This is all I can report for you for Rhode Island.

Yours sincerely,

JAY PERKINS.

The Governor of Rhode Island sent no delegates to the Congress, and I wrote the Secretary of the State Board of Health of that State, Dr. Gardner T. Swarts, of Providence, who replied as follows:—

Providence, July 11, 1901.

Mr. Clark Bell, Esq., 39 Broadway, New York City, N. Y.

Dear Sir.—In reply to your circular letter concerning sanitoria for consumptives, I will state that our present condition is that we have no laws governing sanitoria for consumptives, but at the last January session of the Legislature I succeeded in having a commission appointed to investigate the needs of a sanatoria and to

ascertain the location of a suitable site in the state.. The commission has commenced its labors and I expect it will be able to report to the next session. Sentiment in favor of such an institution seems to be very strong and we hope to obtain an appropriation for the purpose. Yours truly,

GARDNER T. SWARTS,
Secretary.

South Carolina.

Governor M. B. McSweeny, of South Carolina, referred my letter of inquiry to the Secretary of the State Board of Health, who makes the following reply:

State of South Carolina, State Board of Health,
Florence, S. C., July 1, 1901.

Clark Bell, Esq.

Dear Sir.—Your letter of June 25th inst., to Gov. M. B. McSweeney has been referred to me for reply. There is no law in this state in regard to the construction of Sanitoria for consumptives, nor have any such buildings been erected, or in contemplation of construction, so far as I am aware. Yours truly,

JAMES EVANS, M. D.,
Sec. State Board of Health.

South Dakota.

Governor Herreid, of South Dakota, replies as follows:—

Pierre, S. D., July 2nd, 1901.

Clark Bell, Esq., New York.

My Dear Sir.—South Dakota has had no legislation on the proposition you refer to in your letter of the 25th inst., looking towards the construction of sanitoria for consumptives.

Very Respectfully,

E. A. WARNER,
Private Secretary.

CHARLES N. HERREID,
Governor.

Tennessee.

Governor Benton McMillan, of Tennessee, referred my letter to Dr. J. A. Albright, Secretary of the State Board of Health, who sent me the following reply:—

Nashville, July 2nd, 1901.

Dr. Clark Bell, Sec. and Treasurer Am. Congress of Tuberculosis, 39 Broadway, New York City, N. Y.

Dear Doctor.—Yours of the 25th instant, addressed to Governor Benton McMillin, has been referred to this office for attention, and in reply will say that Tennessee has no state institution for the care of consumptives. The Tennessee Board of Health, however, has had under consideration for some time and hope, during the next session of our State legislature, to present such proposition in tangible form with a view to securing necessary legislation.

Very respectfully,

J. A. ALBRIGHT, M. D.,
Secretary State Board of Health and Executive Officer.

TEXAS.

Hon. Joseph D. Sayres, Governor of Texas, replies as follows:—

Austin, July 2, 1901.

Clark Bell, Esq., 39 Broadway, New York City.

Dear Sir.—Yours of the 25th ultimo has been received and contents noted. There has been no legislation in this State regarding the construction of a sanitorium for consumptives.

Yours truly,
JOSEPH D. SAYERS.

UTAH.

Hon. Heber M. Wells, Governor of Utah, replies as follows:—

Salt Lake City, July 2, 1901.

Clark Bell, Secretary American Congress of Tuberculosis, 39 Broadway, New York.

Dear Sir.—Your letter of the 25th ultimo to Governor Wells reached in the absence of the Governor from the State. Replying to same I beg to advise you that there is no legislation whatever upon our statute books upon the subject of construction of sanitoria for consumptives.

Very respectfully,
GERSHOM B. WELLS,
Private Secretary.

VIRGINIA.

Governor J. Hoge Tyler, of Virginia, referred the subject to the Secretary of the State Board of Health of that State, who writes as follows:

State Board of Health of Virginia, Secretary's Office, July 1, 1901.

Hon. Clark Bell, Sec. and Treasurer American Congress of Tuberculosis, 39 Broadway, New York.

My Dear Sir.—Your letter, addressed to the Hon. J. Hoge Tyler, Governor of Virginia, has been forwarded to me to answer.

I regret to say that our State Board is still an infant, though growing finely. We have had a great deal to contend with, our people not being enlightened on health laws and sanitation, but are yielding to its influence more and more each year. We have been able to do nothing as yet toward establishing sanitoria for consumptives, for which we have an ideal climate.

I have read with interest the proceedings of your Congress, sent me by Gov. Tyler. Assuring you of my esteem and best wishes, believe me

Very truly yours,
PAULUS A. IRVING, Secretary.

Dr. Henry D. Holton, Secretary of the State Board of Health, and President of the American Congress of Tuberculosis, is thoroughly familiar with the laws of that state. In reply to my inquiry he says:

We have no hospital for tuberculosis in the State of Vermont, although we are talking of such things.

WASHINGTON.

Governor J. B. Rogers, of Washington referred the subject of my letter to the Secretary of the State Board of Health, the secretary of which replies as follows:—

Spokane, Wash., July 4, 1901.

Clark Bell, Esq., Sec. American Congress of Tuberculosis, New York City, N. Y.

Dear Sir.—Replying to your favor of the 26th inst., addressed to Governor Rodgers would say that this State has no sanitoria for consumptives, and none have so far been provided for.

Yours very truly,

D. C. NEWMAN,
Secretary State Board of Health.

WEST VIRGINIA.

Dr. C. F. Ulrich, of West Virginia, one of the vice presidents of the American Congress of Tuberculosis, replies as follows to my letter:—

Wheeling, W. Va., July 11, 1901.

Clark Bell, Esq.

Dear Colleague.—According to your request I have made diligent inquiry and find no sanatoria for consumptives in West Virginia. A number of years ago Dr. Blum, of this city, established, at his own expense, a sanatorium for that and similar diseases in the mountains of this state at a place called Helvetia. It ruined him financially and he died of what is usually called a broken heart. There was some talk of having it purchased and rehabilitated by the state, but nothing was ever done and it has gone to decay. I will do what I can to stir up an interest before the next meeting of the legislature to get something done in that direction.

Respectfully yours,

C. F. ULRICH.
July 11, 1901.

There is not time left me to attempt to enumerate and describe in this article the sanitaria not under the control of the governments of the nation or states.

There are none yet under the management of the Dominion Government in Canada.

The time required to have this paper before the London Congress of Tuberculosis, which meets July 22-25, renders it impossible to embrace them.

To enumerate the Private Sanitoria or describe them would require a treatise.

The answers that come after I close this paper for the London Congress from the Governors of States, or mem-

bers of Boards of Health can be published as an addenda in my Journal.

If I shall have thrown any light on this branch of the question, to which the Congress of Tuberculosis will open a discussion, I shall feel content.

West Virginia.

Hon. Geo. W. Atkinson, Governor of West Virginia, referred my letter to his successor, who replied as follows:—

Charleston W. Va., July 5, 1901.

Clark Bell, Esq., Secretary, 39 Broadway, New York, N. Y.

Dear Sir.—Your favor of June 25th to ex-Governor Geo. W. Atkinson has been referred to this office.

As far as we are advised there is no legislation in this State for the construction of sanatoria for consumptives.

Respectfully yours,

E. S. BOGGS,
Private Secretary.

Wyoming.

Governor Richards, of Wyoming, replies as follows:—

Cheyenne, July 2, 1901.

Clark Bell, Esq., Sec'y Am. Congress of Tuberculosis, 39 Broadway, N. Y. City.

Dear Sir.—Your circular letter of the 25th ult., enclosing a copy of the first day's proceedings of your congress is received and in reply will say that no act has ever been passed by a Wyoming legislature regarding the construction of sanitoria for consumptives.

Yours very truly,

DeF. RICHARDS.

THE PROVINCE OF QUEBEC, DOMINION OF CANADA.

Dr. E. P. Lachapelle, President of the Board of Health of the Province of Quebec, has sent me the Quebec Public Health act of 1891. 1 Edward vii chapter xix, entitled "An Act to amend and consolidate the law respecting public health," assented to 26th March, 1901. This act is too long for this paper. I submit an abstract of the act or synopsis which is entitled, Table of Contents:

Section 1. Of the permanent sanitary service.....
Interpretation: art. 1.

Board of Health of the Province of Quebec: organization, arts. 2 to 6; meetings, art. 7; duties and powers, art. 8; by-laws, arts. 9 to 13; sanitary inquiries, art. 14.

Municipal sanitary service: Local Boards of Health, arts. 15 to 18; execution of sanitary law and by-laws, arts. 19 to 24; appointment of a medical officer of health, art. 25; annual report, art. 26.

Sanitary service in unorganized territories: art. 27.

Nuisances: power to define them, art. 28; verification, arts. 29 to 31; suppression, arts. 32 to 40.

Approval of plans for aqueducts and drainage works: arts. 41 to 43.

Penalty for polluting water-supplies: art. 44.

Food and drink: shall be wholesome, art. 45; confiscation, art. 46; suspension of operations in dairies and food factories for cause of unsanitary condition, arts. 47 and 48; Board of Health of the Province may intervene directly, art. 49.

Contagious diseases: notification, arts. 50 to 53; duty of municipalities to take measures to check them, art. 54; maintainance of hospitals, etc., art. 55; sick or suspects found in public conveyances or moving about, arts. 56 and 57; removal to hospital in certain cases, art. 58; taking possession of properties in urgent cases, art. 59; disinfection, art. 60; jurisdiction of municipalities over infected vessels, art. 61; venereal diseases, art. 62.

Inspections, etc.,. arts. 63 to 64.

Penalties and prosecutions: art. 65.

Section II. Sanitary conditions of Industrial Establishments...17

Regulations by the Board of Health of the Province and their execution, arts. 66 to 70.

Section III. Special Provisions in cases of Epidemic—The Board of Health of the Province, in becoming "Central Board," may enact special by-laws 18

Interpretation, art. 71; Present section put in force by a proclamation, art. 72; Organization of the Central Board of Health, art. 73; By-laws of the Central Board, art. 74 and 75; Expenses of Central Board, art. 76; Local board of health, their organization, duties and powers, arts. 77 to 81; Central Board may substitute its action to that of local boards, when the latter prove themselves incompetent, art. 82; Expenses of local boards, art. 83; Penalties and prosecutions, arts. 84 to 87.

Section IV. Inoculation with small-pox virus and anti-variolic vaccination 23

Inoculation with small-pox virus prohibited, arts. 88 and 89; all municipalities may render vaccination compulsory, art. 90; vaccination in municipalities having over 300 inhabitants, arts. 91 and 92; duties of parents re vaccination, arts. 93 and 94; certificates of vaccination, arts. 95 and 97; fee for certain vaccination, art. 98; vaccination in schools, arts. 99 and 100; penalties and prosecutions, arts. 101 to 104.

Section V. Collection of Vital Statistics, arts. 105 to 114.... 28

Temporary provisions, etc., arts. 115 to 120..... 30

Forms, re vaccination and re statistics..... 31

I also make same citations from the act bearing on the questions we are interested in. Section 9, page 5, provides in certain of its sections as follows:

The Board of Health of the Province may make, amend, repeal and replace by-laws for the following purposes:

To insure the good sanitary condition of educational institutions, workshops, hospitals, asylums for the insane, charitable institutions, barracks, prisons and asylums.

Sub-division 5 of section 9, provides as follows:

To regulate the sanitary condition of houses, dairies, cow-sheds, places where milk is sold, butter factories, cheese factories, slaughter-houses, stables, pig-sties and yards, and insure the sanitary condition thereof.

Sub-division 8 and 9 of same section 9, provides as follows:

To define the diseases and lesions which render animals, meat and other alimentary animal products, unsuitable for consumption or prejudicial to health.

To prevent as much as possible epidemic, endemic and contagious diseases of men and animals.

Section 45 of such act provides as follows:

Only such food or drink as is of wholesome and of healthy origin shall be sold or otherwise disposed of by onerous title.

Every infringement of this provision renders the person found guilty thereof liable to a fine not exceeding fifty dollars.

Sections 46 and 47 of said act provide as follows:

Every executive officer of the municipal sanitary authority or every other officer appointed by it for that purpose, may inspect all animals, dead or alive, meat, fowl, game, fish, fruit, vegetables, grease, bread, flour, milk or other liquid and food intended for human consumption and offered for sale or deposited in a place or transported in a vehicle for the purpose of being afterwards sold or offered for sale, or delivered after being sold; and, if upon inspection, such animals, liquids or food appear to be unwholesome, putrid, damaged or infected with the germs of disease, or otherwise injurious to health, he may seize the same, carry them off, and dispose of them so that they shall not be offered for sale or serve as food for man.

The burden of proof that the animals, liquids or food are not intended to be sold, or to be delivered after having been sold, or to serve as food for man lies upon the owner or person who had possession thereof.

Every executive officer of the municipal sanitary authority or every other officer authorized by it for that purpose may inspect the dairies, stables and cow-sheds situated within or without the limits of the municipality, whence is supplied the milk sold in the municipality, as well as the places in the municipality where milk is sold, and, if he finds that such dairies, table, cow-sheds or places are not kept in the condition required by the by-laws of the Board of Health of the Province, he shall give an order in writing to the proprietor or the person in possession to discontinue the sale and distribution of the milk from such dairies, stables or cow-sheds or to suspend the sale in such places until they shall be placed in the condition required by such by-laws.

Every sale or delivery of milk in contravention of the notice prescribed by this article renders the persons guilty thereof liable to a fine not exceeding twenty-five dollars.

Section 50 of said act provides in part as follows:

Whenever the head of any household or of any establishment whatever ascertains that any person dwelling in his home or in the establishment under his control, has small-pox, asiatic cholera, plague, typhus, diphtheria, croup, scarlatina, typhoid fever, measles, tuberculosis which has reached the stage of suppuration and expectoration, leprosy or any other disease which the Board of Health of the Province has designated by by-law, he shall within twenty-four hours notify the same to the municipal sanitary authority of the locality in which he resides or has his establishment

Section 55 provides in part as follows:

Every municipal council may establish and maintain:

1. Temporary or permanent hospitals or houses for the reception and treatment of persons suffering from contagious diseases.

The act is divided into four sections. The first 65 sub-divisions or sections compose what is called the section I of the act.

Section II relates to the public health in industrial establishments.

Sub-division or section 66 of the act is the first sub-division of section II. It provides in part as follows:

The Board of Health of the Province of Quebec, called in this section the "Board of Health," may, with the approval of the Lieutenant-Governor in Council, make and amend the by-laws which it deems necessary for securing health in industrial establishments, prescribed for by the fourth section of chapter second of title seventh of the Revised Statutes and relating to:

(a). The supply of drinking water; (b). Lighting; (c). The distance to be left between certain establishments and dwelling-houses, as well as the arrangement and details of the construction of the rooms; (d). Cubic space; (e). Aeration and ventilation; (f). Cleanliness and cleansing. (g). The expulsion and manner of disposing of dust, gas, vapor and waste produced in the course of work; (h). The system of drainage, including sinks, lavatories, urinals, privies or closets, and the method of disposing of waste liquids; (i). The temperature of the premises; (j). All other sanitary conditions which may arise in industrial establishments.

Dr. Lachapelle, who is a high santitary authority in the Dominion of Canada, writes as follows:

Montreal, 17th June, 1901.

Clark Bell, Esq., Secretary American Congress of Tuberculosis, New York.

Dear Doctor.—I have received your letter of the 5th inst.

Art. 50 of the Public Health Act 1901 makes the notification of advanced tuberculosis compulsory. Other articles of the same Act contain other provisions calculated to more or less directly deal with the spread of tuberculosis. I enclose a marked copy of the Act. Disinfection of the premises occupied by a tuberculous patient is provided for after his death by a provincial regulation which I enclose. Yours Faithfully,

E. P. LACHAPELLE.

The provincial regulation to which Dr. Lachapelle refers is as follows:

The Board calls attention to the following by-law which is in force in the province since July 1900:

"25a. Any householder in whose household a death from pulmonary tuberculosis has occurred shall within forty-eight hours from said death notify the secretary-treasurer or the local board of health of the municipality in which the house is situated and upon such notification the municipality shall cause to be disinfected the apartments which it will deem to have been contaminated by the patient. Unless more precise and reliable indication be given, will be considered as contaminated the rooms the patient has occupied during his illness. (Are particularly recommended for these disinfections: the use of disinfectant solutions and sterilization by steam or the use of formaldehyde.)"

GEN. JAMES M. VARNUM,

1787–1798,

Supreme Court of the Territory of Ohio.

From advance sheets Supreme Court of the States and Provinces of North America.

THE PROVINCE OF ONTARIO, DOMINION OF CANADA.

Dr. P. H. Bryce, Secretary of the Provincial Board of Health of Ontario, sends me in response to my letter.

1. A copy of an act respecting municipal sanatoria for consumptives, which became a law last year, [Chap. 57, Ontario Stat. 1900.] which is herewith submitted.

2. Copy of a circular letter issued by the committee on Epidemics of that Board to physicians and mebers of local boards of Health underd ate of June 5, 1900, from which the following selections are made:

Moved by Dr. Cassidy, Seconded by Dr. Bryce,

1st. That as Tuberculosis is a contagious and infectious disease; all inmates of Provincial Institutions who are affected with this disease should be isolated in wards set apart for such patients, and not to be permitted to associate generally with other inmates.

2nd. That when rooms or wards, which have been occupied by consumptive patients, become vacant, they should be disinfected according to the methods set forth by the Provincial Board of Health in the pamphlet issued by it containing rules for checking the spread of contagious disease.

3rd. That an individual, affected with tuberculosis and living in a private family, should be isolated as much as possible from other members of the household, especial care being taken in the destruction of his expectorations.

4th. That when the room occupied by such patient becomes vacant, it should be thoroughly disinfected, and, as a matter of prevention, the whole dwelling should be disinfected according to the instructions in the pamphlet regarding disinfection issued by the Provincial Board of Health, and that such other precautions be taken as are provided in Section 101 of the Public Health Act (1897).

5th. That the Local Boards of Health be urged to establish rules for the notification of cases of tuberculosis to the Medical Health Officer or to the Secretary of the Local Board of the municipality.

Also rules and directions adopted for the benefit of consumptive patients to be enforced and sent out to make them known and cause them to be enforced.

This report is signed by Drs. J. J. Cassidy, P. H. Bryce and Wm. Oldright composing the Standing Committee on Epidemics of the Provincial Board of Health of that province.

The act referred to is as follows:

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subject to the provisions of this Act, any municipality, or any two or more municipalities in this Province may establish a sanatorium for the treatment of consumptives, and may for that purpose acquire lands and interests therein and erect and equip buildings and other improvements thereon, and do such other things from time to time as may be necessary to complete, maintain and operate such sanatorium and carry out the objects and requirements of this Act.

2. Any municipality may procure or join another or others in procuring plans of proposed buildings and improvements for a sanatorium and estimate of the cost and such other information upon the subject (including a proposed site) as may seem desirable, and any two or more municipalities may confer together, by such repre-

sentatives as their councils may appoint, with a view to agreeing upon a basis for establishing a joint sanatorium, and they may enter into a provisional agreement respecting the same.

3. If one municipality only is establishing the sanatorium, a provisional by-law respecting the same shall be passed, and the plans, estimates, and the said provisional by-law, or said provisional agreement, as the case may be, and the proposed site (which may be anywhere within the Province) shall be submitted to the Provincial Secretary, who shall submit the same to the Provincial Board of Health for report. Upon receiving the report of the Board of Health, the Provincial Secretary may approve of the plans, estimates, provisional by-law or agreement, as the case may be, and the site; subject, however, to such modifications and alterations as he may think best.

Provided, that if a proposed site be not within the municipality or one of the municipalities proposing to establish the sanatorium, the Provincial Secretary shall, before approving of such site, transmit by post to the head of the municipality in which the proposed site is situate, notice of the application for approval for such remarks thereon as such municipality may desire to submit.

4. Upon the approval of the Provincial Secretary of the plans, estimates, etc., the council of the municipality, or of each of the municipalities concerned, as the case may be, may from time to time pass by-laws to raise the moneys proposed to be paid or contributed by such municipality in respect of the original cost of the sanatorium, or of the cost of the extensions, alterations and additions, and to issue debentures therefor. The provisions of The Municipal Act respecting by-laws creating debts and voting thereon by electors, and all other provisions of the said Act applicable thereto, shall apply.

5. Upon the said by-law or by-laws being passed as in the preceding section is provided for, the municipality or municipalities concerned may pass by-laws to establish the sanatorium, or to enter into the agreement to establish a joint sanatorium, as the case may be, in accordance with the approval given by the Provincial Secretary above provided for; and, upon by-laws being passed to raise the moneys proposed to be paid or contributed in respect of the cost of extensions, alterations and additions, the approval by the Provincial Secretary of the plans therof shall be obtained in the same way as provided for with respect to approval of the original plans, and upon such approval being given, the extensions, additions and alterations may be proceeded with by the municipality or municipalities concerned.

6. The by-law or agreement establishing a sanatorium or a joint sanatorium, as the case may be, shall provide for the appointment of a board of not less than five trustees to take charge of and manage the same. The qualifications, term of office, which shall not exceed five years, and quorum of the trustees, and the manner of appointing their successors or of filling vacancies, shall be declared in the said by-law or agreement, and the trustees appointed from time to time shall hold office until their successors are appointed. The agreement for a joint sanatorium shall state the proportion of the yearly cost of maintenance, operations and repairs to be borne by each municipality. The said by-law or agreement may also define the terms and conditions on which patients may be admitted into the sanatorium, and contain such other particulasr as may be thought best.

7. The trustees and their successors shall be a corporation under the name of "The Trustees of (here name the sanatorium)," and they shall be free from all personal responsibility for acts done within the scope of their authority as such trustees. They shall

have such powers and duties as are conferred by this Act, and such other powers and duties not inconsistent with this Act as may be conferred upon them by the said by-law or agreement as the case may be, or by any future by-law or agreement passed or entered into with the approval of the Provincial Secretary.

8. The trustees shall elect yearly one of their number to be chairman of the board, to hold office for one year thereafter until his successor as chairman is elected. A vice-chairman may also be similarly elected.

The lands and personal property acquired from time to time for the sanatorium shall be conveyed to and vested in the trustees for the uses and purposes thereof, and if proceedings for the expropriation of the site of a joint sanatorium become necessary such proceedings shall be taken on behalf of the municipalities.

DOMINION OF CANADA.

New Brunswick.

Dr. W. Bayard, of St. John, N. B., is a vice president of this Congress, and his reply to my communication is as follows:—

Dear Mr. Bell.—In answer to your note I regret to say that no laws have been enacted in this Province regarding sanatoria. Two years ago I brought the subject before the Provincial Board of Health, gave an address to the people of this city, at which the Governor and several of the members of councils were present. All promised support, but contigent upon my obtaining money to furnish a sanatoria. This I declined to do unless the government gave me a guarantee that they would support it. So the matter stands. I think such pressure will be brought upon the government that they will ultimately support it. Yours sincerely,

W. BAYARD.

Prince Edwards Island.

This Province of the Dominion of Canada is favorable for Sanitoria.

The most prominent physician there is Dr. R. MacNeill, of Charlottetown.

He takes a deep interest in the subject. His reply to my inquiry is as follows:

Charlottetown, P. E. Island, July 9, 1901.

Clark Bell, Esq., Secretary.

Dear Sir.—I have to acknowledge the receipt of your esteemed favor this day, and in reply hasten to say that so far we have no laws upon our statute books respecting sanatoria or preventive legislation in re tuberculosis. No hospitals for consumptives have been established. Some time ago I called attention to this matter through our local press and pointed out that our Island was favorably situated. Although we have no high altitudes, we have pure sea air, and with properly arranged cottages, properly ventilated,

great progress could be made for the relief of tubercular patients. Want of means is the great drawback. The Island is most salubrious during the summer season and tourists are continually flocking to our shores. The long distance and the expenses attending a journey to New York prevented me from meeting with you, but anything I can do to help you along, so far as my feeble efforts are concerned, will be cheerfully done; and any information which you may require that I can procure will be given from time to time as you may require it. Wishing you every success in your laudable efforts, I remain,

Yours sincerely,

R. MacNEILL, M. D.

THE INDETERMINATE SENTENCE IN NEW YORK

BY CLARK BELL, ESQ., LL. D., OF THE NEW YORK BAR.
PRESIDENT OF THE MEDICO-LEGAL SOCIETY,
HONORARY MEMBER OF THE MEDICO-
LEGAL SOCIETY OF FRANCE.

After a full period of discussion, it has been determined by the Legislature of the State to try the principle of the indeterminate sentence applied genrally to all criminals, who had been convicted of an offence punishable by imprisonment in a State prison:—

The Penal Code was amended by the Legislature of the State of New York, at the last session, by an act passed April 18, 1901, and which goes into effect September 1st, 1901.

The Act is as follows:—

LAWS OF NEW YORK, CHAP. 425. By Authority.

An act to amend the penal code relating to the sentencing of convicts to state prisons.

Became a law April 18, 1901, with the aproval of the Governor. Passed, a majority being present.

The people of the State of New York, represented in the Senate and Assembly, do enact as follows:—

SECTION 1. Title eighteen of the penal code is hereby amended by inserting a new section, to be known as section six hundred and eighty-seven a, and read as follows:—

687a. A person never before convicted of a crime punishable by imprisonment in a state prison, who is convicted in any court in this state of a felony, the maximum penalty for which exclusive of fines, is imprisonment for five years or less, and sentenced to a state prison, shall be sentenced thereto under an indeterminate sentence, the minimum of which shall not be less than one year; or in case a minimum is fixed by law, not less than such minimum, and the maximum of which shall not be more than the longest period fixed by the law for which the crime is punishable, of which the offender is convicted. The maximum limit of such sentence shall be so fixed as to comply with the provisions of section six hundred and ninety-seven of penal code.

§ 2. This act shall take effect September first, nineteen hundred and one.

This is an important step in Criminology and will mark, as I think, a new era in the law of punishment of criminals in that State.

Contributed to the International Congress of Criminal Anthropology, Amsterdam, Holland, September Session, 1901.

It will b eobserved that it only applies to first offenders.

It is not intended, that its provisions shall apply to confirmed criminals.

A study of its provisions shows, that the Legislature intended it, as a general sweeping provision; because the class of confirmed criminals, who are outside of its provisions, is very small, when compared with the volume of crime and number of offenders in the State.

It embraces within its limits a great body of offenders.

The most serious objection that can now be raised against the administration of the present criminal law, is the inequality of punishment, as it is administered by the Judges.

There seemed to be no recognized standard at all among the judges who pass sentences.

One judge in one court has entirely different views as to the measure of punishment, from another in the same State.

The problem presented, of how to remedy this great evil, and to have an equalized standard or measurement of the degree of the punishment for the same class of offences, is one of the greatest social problems of the hour.

It used to be said in the Civil Courts, in the cases on the Equity side, that the conscience of the Court, was measured by the length of the Chancellor's foot.

In determining terms of sentence, and fixing the measure of punishment, the difference between the sentences of the Judge, who look at offenders, from the severest standpoint; and the one whose mind judicially is tempered with mercy; is as wide as the gulf, that separated the rich man and Lazarus in the parable.

If a National Symposium or Congress was called for a conference of the leading Judges of the country, to settle the proper punishment in degree, for each grade of crime in the abstract, it might result in bringing the judicial mind into a more uniform state.

The difficulty lies in making the judges feel willing to take part in such a conference and discussion.

It might be tried in a State, where a few prominent Judges could be brought together, and later, if thought advisable, extended to a conference for the nation and country.

The practical effect and workings of the new law in New York will be studied with great interest by the students of Criminology.

I believe, that one of its most beneficial results, will be to unconsciously bring the Judges of the Criminal Tribunals nearer each other in the application of this statute to the punishment of offenders.

A symposium of answers to questions by the leading Judges of the nation now on the Criminal bench on this subject, might be of great value, in initiating a discussion, that would arouse attention,—and pave the way to a system of equalization of punishment by statutory enactments.

The States that have tried the indeterminate sentences seem to regard this system as a public gain.

It is a study that involves the crime as well as the criminal, and students of Criminology may well consider the new departure in New York as a significant and interesting incident, in the philosophy of crime, in relation to and as affected by indeterminate punishment?

PUNISHMENT.

Dr. C. A. Mercier, M. B., presented at the May meeting of the Medico Psychological Association of Great Britain a paper under the above heading of great interest.

We regret we cannot give it entire, but feel glad to make some quotations. Dr. Mercier said:

You will remember that the first time I brought the subject forward, it was in connection with the thesis that every lunatic is not necessarily to be considered exempt from punishment; that most lunatics ought properly to be punished for some of their wrongdoings; and that the practice in every asylum is to punish lunatics upon occasion. To this it was objected that although the fact was admitted that we do pursue towards lunatics the same course of conduct that is called punishment when applied to sane people, yet, when applied to lunatics, it is not punishment, because we dare not call it punishment.

Whatever pain is brought upon a man by his own conduct, of whatever description, in whatever department of activity, is, for him, punishment, and in this sense the punishment is a warning that, if he persists in that course of conduct, he will perish.

It has been maintained from the time of Beccaria and of Bentham that punishment is effectual, that is to say, deterrent, in proportion as it is certain and as it is prompt; but this is not the true statement of the deterrent element in punishment. The true statement is that punishment is deterrent in proportion to its known inevitableness, or, to put it otherwise, in proportion to the cohesion or closeness of association, in the mind of the punishee, between the conduct and the pain which is its consequence. It is possible for punishment to be both prompt and certain, and yet to have no deterrent effect whatever. It is possible for punishment to be neither prompt nor certain, nay, to be non-existent, and yet to be very efficiently deterrent.

My contention is that from the point of view of the punisher, punishment is primarily and essentially retaliatory. It is self-protective. It is a fundamental duty which every individual owes to himself, a duty the neglect of which is fatal. Punishment from this point of view is retaliation upon aggression,, and if we allow aggression to pass without retaliation we must perish in the end. It is contended by Lord Justice Fry that the fitness of punishment in sequence to transgression is a fundamental fact of human nature, a moral element incapable of further analysis; but I think that it is possible to reduce it to simpler terms. "Why," says Lord Justice Fry, "do we strive to associate pain with sin? The judge who pronounces sentence on the criminal tries to do this. The parent who punishes his child for a lie strives to do this."

It is a fundamental necessity for every organism that it must protect itself against injury or it must perish. Self preservation has been called the first law of nature, and although this statement is in my opinion erroneous, yet it may fairly be called the second obligation which lies upon every organism. Every organism must protect itself, on pain of death if it neglects the obligation. When

we are threatened with injury, we are bound and obliged to take measures to prevent what is threatened. When we are actually in process of being injured we are bound and obliged to repel the injury, and more than this, we must, if we are to be safe, put the assailant into such a position that he cannot repeat his attack. If a man is after me with a revolver, it is not enough for me to dodge the bullets; I shall not be safe until I have deprived him of his weapon. So that it is clear that if retaliation upon injury is to be efficient, is to be preventive, some part of it must be subsequent in time to the actual injury. And then retaliation becomes punishment. From the point of view of the punisher, therefore, punishment is preventive retaliation. It is manifest that efficiency of retaliation upon injury has been, throughout the secular struggle for existence, a very powerful factor in securing the survival of the retaliator; and as all beneficial action will, if continued long enough, become fixed and embodied in an instinct, so has retaliatory action been thus embodied, and thus has been originated and preserved the habit of the pursuit of punishment, or what is called vengeance, that is to say, of pursuing retaliation after the cessation of the injury.

Dr. Mercier, in discussing the deterrent effects of punishment, and in illustration of Herbert Spencer's views, regarding the punishment of children, which he amplifies, says in criticism:—

Compare this system with the system by which our criminals are punished. Whatever the nature of the crime, the punishment is ingeniously devised so as to have no natural connection with it whatever. The man who habitually beats his wife, the man who strikes her in a fit of passion, the shop boy who takes money from his master's till, the vagrant who sleeps under a haystack, the jealous lover who shoots his mistress, the fraudulent trustee who converts trust funds to his own use, the solicitor who contumaciously clings to a document, the wife who poisons her husband, the cabby who gets drunk in his day's work, are all punished in precisely the same way, by precisely the same means, to precisely the same extent, save only in the duration of the punishment. Could anything be more unintelligent? It is the treatment of Dr. Sangrado applied to crime. And not the least of its defects is that it deprives the judge of the exercise of his ingenuity in devising a punishment that would fit the crime. Why should not the thief be compelled to make restitution? Why should not the wife beater be flogged? Why should not the homicide be compelled to work in slavery to support the family of his victim?

But it will be objected, what has this to do with insanity, and with the punishment of insane people? It has this to do with them—that so long as the mind of the lunatic is clear enough to be capable of forming a true and intimate connection between the wrong doing and the punishment which follows it, so long we are justified in inflicting upon him some punishment. I do not say, and I have never said—I have always protested against the position—that lunatics should be treated in the same way and punished with the same severity as sane people; but I still maintain, as I have always maintained, that of the conduct of most lunatics part is sane and part is insane; and that while they may not properly be punished for the insane part of their conduct, they may properly be punished, though with mitigated severity, for wrong doing which belongs to the sane part of their conduct.

The reading of this paper gave rise to a very interesting discussion and a remarkable one in respect to the legal gentlemen who took part in it.

We select from this discussion the remarks of some of those taking part, regretting that we cannot find room for all.

Mr. Montague Crackanthorpe, K. C., said:—

Dr. Mercier, whose argument was not the less cogent because it was concise, began by maintaining that punishment was, in its origin, retaliatory or vindictive, and that it remained so still. I agree with him on the first point; I venture to differ from him on the second. There are many conceptions and institutions now in vogue which are very different from what they were in their origin. Of such, punishment is, in my opinion, one. Dr. Mercier has quoted my friend Sir Edward Fry as an authority for the dictum that criminal punishment is, "suffering following upon sin." With the greatest respect both to Sir Edward and Dr. Mercier, I regard this dictum as of no value from the juridical point of view; and even from a moral standpoint I doubt its propriety, for are we not told in the Scripture, "Vengeance is mine, I will repay, saith the Lord." In this metropolis there is a great deal of unpunished and unpunishable sin. If the law were to deal with sin, as such, the criminal courts would be always open, and as for the unfortunate judges, they would never get a holiday. They have enough to do with dealing with those offences against society which are defined as criminal, and to mix up sin and crime is, to my mind, to obscure the issue.

The next observation I should wish to make is as to the object and end of punishment. I hold that its main object is a double one: (1) to deter others from doing likewise, (2) to restrain the original offender from repeating his offence while his sentence lasts. Its secondary object, which Dr. Mercier did not, I think, mention, is, in my view, to endeavor to reform the criminal. This I regard as a State duty. If the State shuts up a man in gaol for a number of months or years, it should take care not to turn him loose at the end of that time a worse or more helpless man than he was before he was convicted. Many in this room will probably agree that the effect of a long incarceration is to destroy rather than to strengthen the power of will and self-control, because the conditions of prison life are wholly artificial and differ from those of the outside world. Hence it is well to allow a man a certain amount of liberty at the end of his sentence that he may know how to order his own life and be able to grapple wih the difficulties he will have to encounter when he becomes a free man. Our present prison system for adults, in which there is no half-way house resembling that of our juvenile reformatories, leaves much to be desired in this respect.

With regard to the measure of punishment, it would be a great mistake (to use a hackeneyed phrase) to try to "fit the punishment to the crime" without reference to the individual offender. This is what we formerly did in England and what the Code Napoleon would be doing at the present day in France but for the introduction of "extenuating circumstances" which it is competent for the jury to find. Prisoners guilty of the same crime may be of very different kinds and may require very different treatment. All of them may be roughly classed under four heads:—(1) There are those who, in the opinion of experts like yourselves, are totally incapable of distinguishing right from wrong, and who are properly

detained "until the pleasure of the Crown shall be made known." These are the insane. (2) There are those who have committed a single crime from passion—*un crime passionel*—as the French say—which they are never likely to repeat, but for which they must be punished by way of warning and example; (3) There are the habitual offenders, the men who steal again and again, or who give way again and again to drink which leads them into other criminal courses, and whose brain is below par, either from hereditary causes or by reason of their own acts of self-indulgence. For these a prison-asylum would be a more fitting place than a gaol as at present conducted. (4) There is the professionl criminal, the man who has several times been previously convicted, and who deliberately pursues the career of preying upon society for his own private ends. This class of person should (and here I agree with Dr. Anderson's recent article) be sequestrated for a considerable period, if not for life, but he, too, should, after a time, be allowed a certain amount of freedom. The element of hope should never be wholly shut out, but he should only be liberated, if at all, when the prison authorities have become satisfied that this may be done with reasonable safety to the community. In this respect he should be placed on the same footing as the inmate of a lunatic asylum who, after long confinement, is discharged as of sound mind. The "interminate sentence" resorted to in some of the States of America has not been without good results.

One other point with regard to the measure of punishment occurs to me. Some persons hold that an educated man who betrays a trust should be punished with a much longer sentence than a common thief who has frequently been convicted of larceny. This at first sight seems reasonable, but I am not sure that it may not sometimes work injustice. The educated man, who has lost the whole of his worldly prospects by reason of his misconduct, has been already punished severely, and it may be unfair to put him on the same level as the professional pickpocket, burglar, or blackmailer who has lost practically nothing, and to whom, in some cases, a prison affords as many material comforts as did the surroundings from which he has been forcibly removed. This matter has not, so far as I am aware, been considered by our judges in conclave. Would it not be well that they should come to some agreement about it, with the view of making their sentences more uniform?

Before sitting down let me again refer for a moment to the test of criminal responsibility known as the rule in MacNaughten's case. It was there laid down, in effect, that the crucial question for the jury was, Did the accused, at the time he committed the act charged, know that he was offending against morals? This test has been conclusively shown by Sir Fitzjames Stephen to be unsatisfactory. And so it is. Whether a jealous husband shoots down his wife's lover in order to vindicate his own honor, as sometimes happens in France, or a burglar stabs a policeman in order to prevent being arrested, as sometimes happens in England, each is, at the time of the act, incapable of distinguishing right from wrong. In the first case, the thirst for revenge; in the second, the desire for liberty, completely deadens all moral sense. If the test of momentary responsibility was applied without discrimination, a large percentage of sane persons must either be acquitted of crime or sent to Broadmoor. Here then, too, there is room for improvement of the law, and it would be for the benefit of the community if the rule in MacNaughten's case were authoritatively re-stated in clearer and more precise terms.

Sir Herbert Stephen said:—

I am glad to find myself in agreement with a good deal of what Dr. Mercier said in his paper. I agree with what I take to be his practical conclusion, namely, that some lunatics ought to be, and probably must be, punished when they do wrong, by those who have the control of them. I also agree that, historically speaking, the infliction of punishment by human beings upon each other was probably founded upon what has been called retaliation, but may perhaps as well be called revenge as anything else. That is to say, the principal sentiment in the minds of the persons who first inflicted punishment probably was, "You have hurt me, and I am going to hurt you." So far I agree, but I go much further. I think that this sentiment of revenge, or retaliation, is still, and will continue to be, the principal ground upon which punishment is based. I differ from those who hold that the idea of revenge in this connection is an archaic barbarism, that it has passed away from the minds of benevolent legislators and administrators of law, and that all that has to be considered in the proper infliction of punishment is, (1) an endeavor to reform or improve the character of the offender, and (2) what has been called its "deterrent" effect upon other persons likely to offend in the same manner. Let us test this opinion by reference to an actual case, and consider how it would work if judges were actually to take into consideration nothing but the improvement of the guilty person's conduct, and the desirability of preventing other people from behaving in the same way. Consider such a case as that of Jabez Balfour, which I specify only because its general features are probably within the recollection of every one present. Jabez Balfour was convicted of a number of frauds by committing which he deprived a great many people, some of them very poor, of all they had. For these crimes he was sentenced to a long term of penal servitude. What would have been the position of the judge who had to pass sentence upon him if he had not been allowed to give effect to any feelings except the wish to improve Balfour's character, and the wish to deter him and others from committing similar offences in future? He would probably have addressed him somewhat in this fashion:— You have been found guilty of extremely grave crimes, and in the ordinary sense of the words you may be considered to deserve severe punishment. But that is in itself no reason for sending you to penal servitude. I am not here to gratify any feelings of animosity, or to make you suffer because others have suffered through you. I have to consider, first, what course of treatment will have the most effect in reforming your character, and making you a useful citizen; and secondly, how I may best prevent you, and similarly evil-minded persons, from perpetrating similar frauds in future. First as to your character. It is manifest that at your age, and after the life you have lived, no punishment that I could inflict would have any effect upon that. It is impossible to suppose that, going into prison as bad a man as you are, you would come out any better. From that point of view, therefore, no punishment would be of any use. Next as to "deterring" you from doing the same things again. In your particular case, sending you to prison would have no such effect. You are not like the professional housebreaker, whose habits are so deeply ingrained that the only way to protect the public from his depredations is to lock him up. He will break into people's houses whenever he is at large, and it may be sometimes necessary to imprison him for a long period on his conviction of an offence trivial in itself. You, on the other hand, are rendered harmless by the mere fact of your conviction and disgrace. All your offences were founded upon the misplaced confidence of rash people, in your supposed intelligence and probity. Your name and character are now universally known, and nobody would be foolish enough to subscribe a shilling to a company of

which you were known to be a promoter, nor would any sane person associate himself with you in any such enterprise. The only remaining reason that there could be for subjecting you to punishment would be that other wicked people might be afraid of following your example. The experience of mankind teaches that the fact that disgrace such as yours may culminate in imprisonment, probably has no such "deterrent" effect. Persons who steal on the enormous scale that you do are essentially gamblers. They always hope that things will go well, and that they will realize huge fortunes, and be able to meet all their obligations. They know from the beginning that if they fail they will be utterly ruined and lose all their property, their seats in Parliament, their social consideration, and so forth. That is the penalty which they dread and seek to avoid, and if that risk does not "deter" them from embarking on a course of crime, they will certainly not be "deterred" from the added risk of being sent to prison when they have failed and their offences are discovered. I should therefore serve no useful or humane purpose by sending you to prison, and my order is that you must be bound over in your own recognisance to come up for judgment when called upon.—Can any one suggest that such behavior on the part of the judge would have been anything but a flagrant and inconceivable dereliction of duty? Take again what has been described as the *crime passionel*—the case of a man who finds himself betrayed or disappointed in the master passion of his life, who watches for his successful rival, and kills him deliberately and with aforethought. Such cases are not very common, but they occur now and then, and if you are not angry with such a man for committing murder, why in the world do you want to punish him? It is futile to suggest that his character is likely to be effectively reformed by punishment. The probability is that he was a perfectly respectable and well-conducted person before the crime, but he was one of the few people who, once or twice at most in a lifetime, become so entirely engrossed in a personal affection, that for the moment no other considerations have any effect upon their minds in comparison, and that will continue to be his nature however much, or however little, you punish him. And as for deterring others, when a crime of this kind is committed the offender is, ex hypothesi, perfectly willing to take his chance of any kind of punishment in order to gratify the passion which wholly engrosses him.

In reference to the general question of the reformatory effects of punishment upon the character of adults, I was once making inquiries of a well-known prison official, who was at that time deputy governor of a prison with an average population of about one thousand convicted persons, and I asked him what proportion of that number were, in his opinion, persons with regard to whom there was any hope whatever of improving their characters or doing them any good. He answered, after consideration, "Perhaps four." I do not of course suggest that anything like this is true of what are called "juvenile offenders," but my own belief is that, among criminals twenty years of age and upwards, the hope of making any considerable number of them honest and respectable is chimerical.

In one point I must express total disagreement with Dr. Mercier, and that is in his wish for the introduction of what I may call fancy punishments, of the kind suggested by Bentham. Penal establishments can be conducted only by rule, on lines ascertained beforehand, and life is not long enough for the invention and execution of penalties supposed in each case to have some specific appropriateness to the circumstances of the offence.

It gave me great pleasure to gather from one or two speakers confirmation of an opinion I have lately formed—that we have got pretty well to the end of the old quarrel between you doctors and

us lawyers as to the effects of insanity of legal criminal responsibility. I cannot see that there ought to be any quarrel at all. Whether a man is mad is a medical question, upon which we want your advice. Whether he is legally responsible is a legal question, upon which you are interested only in so far as you may be lawyers. The law is, and I believe you will agree that it ought to be, that some men are mad in such a manner as not to be legally responsible although they are mad. The tests actually accepted for distinguishing, in criminal cases, between these two classe are, in my opinion, susceptible of some slight improvement, but the more I see of them the more I am inclined to think that they supply a good working rule, which juries can and do apply with results that are satisfactory in the main. I have noticed of late years that medical witnesses on the Northern Circuit, especially at Liverpool and Manchester, seem to understand perfectly what is and what is not required of them, and to give their willing assistance in the application of the established legal principles to the facts of particular cases.

In conclusion, I wish to reiterate my opinion that the true and ultimate basis of all human punishment is retribution, or retaliation, or revenge, or whatever you like to call it, and that it will continue practicaly to be so whatever any of us may be able to persuade ourselves, or each other, to the contrary.

HUMAN AND BOVINE TUBERCULOSIS.

The discussion in the public press and in the London Congress has been very extended. It is impossible to give a tithe of the comments of either the lay or the medical press. It came upon the world like a blow and occasioned a mental shock. It was at first construed both in England and America as contradicting the generally received medical opinion of the civilized world upon the danger to man from Bovine Tuberculosis. If correct it would and should arrest proceedings under the arbitrary laws and regulations regarding tuberculous cattle; and by most of the Boards of Health it was felt that it would shake public confidence in sanitary legislation based on aggressive medical opinion. All must realize the overwhelming importance of this question. It is one that must be determined along carefully conducted scientific lines.

The scientific world has rarely had a more important problem presented, and its solution bears directly upon all legislation to be presented for consideration.

In the London Congress the English scientists were unprepared for the consideration of such a question, but it was quite clear that the trend of opinion was to dissent from the conclusions of Prof. Koch as to the Bovine and Human Tuberculosis and the liability of man to take the infection from the animal.

Prof. Brouardell, of Paris, made an able address and put himself squarely on record against the views of Prof. Koch as to the communication of tuberculosis to man from bovine tuberculosis. He could not have been prepared for the question or rather could not have known it was to be thus presented, but he voiced the general feeling of dissent to the view of Prof. Koch in France.

In Germany the government was well aware of the experiments made by Prof. Koch with human and bovine tuberculosis, and it is asserted that at his request a government commission has been named there of experts to determine the question of which Virchow and Pollinger are members.

The Executive Board of the American Congress of Tuberculosis we trust will name a commission from among its members, who embrace the highest talent on this side of the Atlantic to make a careful examination and sicentific investigation of this subject, based on careful experiments and make their report at the session of 1902.

EX-ASSOCIATE JUSTICES
SUPREME COURT OF MINNESOTA,

HON. MOSES G. SHERBURNE,
1853—1856.

HON. ANDREW G. CHATFIELD.
1853—1857.

HON. CHARLES E. FLANDRAU.
1857—1864.

HON. C. E. VANDERBURGH.
1852—1894.

HON. GREENLEAF CLARK.
1881—1882.

From advance sheets Supreme Court of the States and Territories of North America.

THE LONDON CONGRESS OF TUBERCULOSIS.

BY CLARK BELL, ESQ., LL. D., OF NEW YORK,
SECRETARY AMERICAN CONGRESS OF TUBERCULOSIS.

This gathering in the British capital possesses unusual interest throughout the civilized world, and will as a result increase and intensify the efforts now being considered and made among the foremost nations in the direction of the legalized suppression of tuberculosis.

The paper of Prof. Koch was certainly the more exciting, because its contents were so wholly unexpected. It has aroused a storm of criticism on both sides of the Atlantic.

To clearly understand the situation it is necessary to understand exactly what Professor Koch said. We quote from his paper entitled "The fight against Tuberculosis in the light of the Experience gained in the successful combat of other infectious diseases," a few of the more important sentences regretting that the space at our disposal does not permit) the full text of the most intensely interesting paper read before the body.

Under the heading "Tuberculosis a Preventable Disease," Prof. Koch said:

Strictly speaking, the fact that tuberculosis is a preventable disease ought to have become clear as soon as the tubercle bacillus was discovered, and the properties of this parasite and the manner of its transmission became known. I may add that I, for my part, was aware of the full significance of this discovery from the first, and so would everybody have been who had convinced himself of the causal relation between tuberculosis and the tubercle bacillus. But the strength of a small number of medical men was inadequate to the conflict with a disease so deeply rooted in our habits and customs. Such a conflict requires the co-operation of many, if possible of all, medical men, shoulder to shoulder with the State and the whole population. The moment when such co-operation is possible seems now to have come. I suppose there is hardly any medical man now who denies the parasitic nature of tuberculosis, and among the non-medical public, too, the knowledge of the nature of the disease has been widely propagated.

Contributed to the Bulletin of American Congress of Tuberculosis by the author, September, 1901.

Speaking of "The Source of Infection," he says:

Now the question is whether what has hitherto been done, and what is about to be done, against tuberculosis, really strikes the root of tuberculosis, so that it must sooner or later die.

In order to answer this question it is necessary first and foremost to inquire how infection takes place in tuberculosis. Of course, I presuppose that we understand by tuberculosis only those morbid conditions which are caused by the tubercle bacillus.

In by far the majority of cases of tuberculosis the disease has its seat in the lungs, and has also begun there. From this fact it is justly concluded that the germs of the disease, that is, the tubercle bacilli, must have got into the lungs by inhalation. As to the question where the inhaled tubercle bacilli have come from, there is also no doubt. On the contrary, we know with certainty that they get into the air with the sputum of consumptive patients. This sputum, especially in advanced stages of the disease, almost always contains tubercle bacilli, sometimes in incredible quantities. By coughing, and even speaking, it is flung into the air in little drops, that is, in a moist condition, and can at once infect persons who happen to be near the coughers. But it may also be pulverized when dried, in the linen or on the floor, for instance, and get into the air in the form of dust.

In this manner a complete circle, a so-called circulus vitiosus, has been formed for the process of infection from the diseased lung, which produces phlegm and pus containing tubercle bacilli, to the formation of moist and dry particles (which, in virtue of their smallness, can keep floating a good while in the air), and finally to new infection, if particles penetrate with the air into a healthy lung and originate the disease anew. But the tubercle bacilli may get to other organs of the body in the same way, and thus originate other forms of tuberculosis. This, however, is considerably rarer. The sputum of consumptive people, then, is to be regarded as the main source of the infection of tuberculosis. On this point, I suppose, all are agreed. The question now arises whether there are not other sources too, copious enough to demand consideration in the combatting of tuberculosis.

Great importance used to be attached to the hereditary transmission of tuberculosis. Now, however, it has been demonstrated by thorough investigation that, though hereditary tuberculosis is not absolutely non-existent, it is nevertheless extremely rare, and we are at liberty, in considering our practical measures, to leave this form of origin entirely out of account.

Upon these topics no controversy will be found to exist among medical men of any extent or importance.

HUMAN SPUTUM THE MAIN SOURCE OF HUMAN TUBERCULOSIS.

So the only main source of the infection of tuberculosis is the sputum of consumptive patients, and the measures for the combating of tuberculosis must aim at the prevention of the dangers arising from its diffusion.

Upon the questions of "Differences Between Human and Bovine Tuberculosis," and the further question "Is Man Susceptible to Bovine Tuberculosis," which are the battle ground of the present conflict. Prof. Koch says of the former of these subjects:

But another possibility of tuberculosis infection exists, as is generally assumed, in the transmission of the germs of the disease from tuberculous animals to man. This manner of infection is generally regarded nowadays as proved, and as so frequent, that it is even looked upon by not a few as the most important, and the most rigorous measures are demanded against it. In this congress also the discussion of the danger with which the tuberculosis of animals threatens man will play an important part. Now, as my investigations have led me to form an opinion deviating from that which is generally accepted, I beg your permission, in consideration of the great importance of this question, to discuss a little more thoroughly.

Genuine tuberculosis has hitherto been observed in almost all domestic animals, and most frequently in poultry and cattle. The tuberculosis of poultry, however, differs so much from human tuberculosis that we may leave it out of account as a possible source of infection for man. So, strictly speaking, the only kind of tuberculosis remaining to be considered is the tuberculosis of cattle, which, if really transferable to man, would indeed have frequent opportunities of infecting human beings through the drinking of the milk and the eating of the flesh of diseased animals.

Even in my first circumstantial publication on the etiology of tuberculosis I expressed myself regarding the identity of human tuberculosis and bovine tuberculosis with reserve. Proved facts, which would have enabled me sharply to distinguish these two forms of the disease, were not then at my disposal; but sure proofs of their absolute identity were equally undiscoverable, and I therefore had to leave this question undecided. In order to decide it I have repeatedly resumed the investigations relating to it, but so long as I experimented on small animals, such as rabbits and guinea pigs, I failed to arrive at any satisfactory result, though indications which rendered the difference of the two forms of tuberculosis probable were not wanting. Not till the complaisance of the Ministry of Agriculture enabled me to experiment on cattle, the only animals really suitable for these investigations, did I arrive at absolutely conclusive results. Of the experiments which I have carried out during the last two years along with Professor Schutz, of the Veterinary College in Berlin, I will tell you briefly some of the most important.

A number of young cattle which had stood the tuberculin test, and might therefore be regarded as free from tuberculosis, were infected in various ways with tubercle bacilli taken from cases of human tuberculosis; some of them got the tuberculous sputum of consumptive patients direct. In some cases the tubercle bacilli or the sputum were injected under the skin; in others into the peritoneal cavity; in others into the jugular vein. Six animals were fed with tuberculous sputum almost daily for seven or eight months; four repeatedly inhaled great quantities of bacilli, which were distributed in water, and scattered with it in the form of spray. None of these cattle(there were nineteen of them) showed any symptoms of disease, and they gained considerably in weight. From six to eight months after the beginning of the experiments they were killed. In their internal organs not a trace of tuberculosis was found, only at the places where the injections had been made small supperative foci had formed, in which tubercle bacilli could be found. This is exactly what one finds when one injects dead tubercle bacilli under the skin of animals liable to contagion. So, the animals we experimented on were affected by the living bacilli of human tuberculosis exactly as they would have been by dead ones; they were absolutely insusceptible to them.

The result was utterly different, however, when the same experiment was made on cattle free from tuberculosis with tubercle bacilli that came from the lungs of an animal suffering from bovine tuber-

culosis. After an incubation period of about a week the severest tuberculous disorders of the internal organs broke out in all the infected animals. It was all one whether the infecting matter had been injected only under the skin or into the peritoneal cavity or the vascular system. High fever set in, and the animals became weak and lean; some of them died after a month and a half to two months; others were killed in a miserably sick condition after three months. After death extensive tuberculous infiltrations were found at the place where the injections had been made, and in the neighboring lymphatic glands, and also far advanced alterations of the internal organs,, especially the lungs and the spleen. In the cases in which the injection had been made into the peritoneal cavity the tuberculous growths which are so characteristic of bovine tuberculosis, were found on the omentum and peritoneum. In short, the cattle proved just as susceptible to infection by the bacillus of bovine tuberculosis as they had proved insusceptible to infection by the bacillus of human tuberculosis. I wish only to add that preparations of the organs of the cattle which were artificially infected with bovine tuberculosis in these experiments are exhibited in the Museum of Pathology and Bacteriology.

An almost equally striking distinction between human and bovine tuberculosis was brought to light by a feeding experiment with swine. Six young swine were fed daily for three months with the tuberculous sputum of consumptive patients. Six other swine received bacilli of bovine tuberculosis with their food daily for the same period. The animals that were fed with the sputum remained healthy and grew lustily, whereas those that were fed with the bacilli of bovine tuberculosis soon became sickly, were stunted in their growth, and half of them died. After three months and a half the surviving swine were all killed and examined. Among the animals that had been fed with sputum no trace of tuberculosis was found, except here and there little nodules in the lymphatic glands of the neck, and in one case a few gray nodules in the lungs. The animals, on the other hand, which had eaten bacilli of bovine tuberculosis had, without exception (just as in the cattle experiment), severe tuberculous diseases, especially tubercular infiltration of the greatly enlarged lymphatic glands of the neck and of the mesenteric glands, and also extensive tuberculosis of the lungs and the spleen.

The difference between human and bovine tuberculosis appeared not less strikingly in a similar experiment with asses, sheep and goats, into whose vascular systems the two kinds of tubercle bacilli were injected.

Our experiments, I must add, are not the only ones that have led to this result. If one studies the older literature of the subject and collates the reports of the numerous experiments that were made in former times by Chauveau, Gunther, Harms, Bollinger and others, who fed calves, swine and goats with tuberculous material, one finds that the animals that were fed with the milk and pieces of the lungs of tuberculous cattle always fell ill of tuberculosis, whereas those that received human material with their food did not. Comparative investigations regarding human and bovine tuberculosis have been made very recently in North America by Smith, Dinwiddie, Frothingham and Repp, and their result agreed with ours. The unambiguous and absolutely conclusive results of our experiments are due to the fact that we chose methods of infection which exclude all sources of error, and carefully avoided everything connected with the stalling, feeding and tending of the animals that might have a disturbing effect on the experiments.

Considering all these facts, I feel justified in maintaining that human tuberculosis differs from bovine, and cannot be transmitted to cattle. It seems to be very desirable, however, that these exper

iments should be repeated elsewhere, in order that all doubt as to the correctness of my assertion may be removed.

I wish only to add that, owing to the great importance of this matter, our government has resolved to appoint a commission to make further inquiries on the subject.

Upon the second proposition which is the crucial question of the hour, Prof. Koch says:

But, now, how is it with the susceptibility of man to bovine tuberculosis? This question is far more important to us than that of the susceptibility of cattle to human tuberculosis, highly important as that is, too. It is impossible to give this question a direct answer, because, of course, the experimental investigation of it with human beings is out of the question. Indirectly, however, we can try to approach it. It is well known that the milk and butter consumed in great cities very often contain large quantities of the bacilli of bovine tuberculosis in a living condition, as the numerous infection experiments with such dairy products on animals have proved. Most of the inhabitants of such cities daily consume such living and perfectly virulent bacilli of bovine tuberculosis, and unintentionally carry out the experiment which we are not at liberty to make. If the bacilli of bovine tuberculosis were able to infect human beings, many cases of tuberculosis caused by the consumption of alimenta containing tubercle bacilli could not but occur among the inhabitants of big cities, especially the children. And most medical men believe that this is actually the case.

In reality, however, it is not so. That a case of tuberculosis has been caused by alimenta can be assumed with certainty only when the intestine suffers first; that is, when a so-called primary tuberculosis of the intestines is found. But such cases are extremely rare. Among many cases of tuberculosis examined after death, I myself remember having seen preliminary tuberculosis of the intestine only twice. Among the great post-mortem material of the Charite Hospital in Berlin, 10 cases of primary tuberculosis of the intestine occurred in 5 years. Among 933 cases of tuberculosis in children at the Emperor Frederick's Hospital for Children, Baginsky never found tuberculosis of the intestine without simultaneous disease of the lungs and the bronchial glands. Among 3,104 post-mortem examinations of tuberculous children, Biedert observed only 16 cases of primary tuberculosis of the intestine. I could cite from the literature of the subject many more statistics of the same kind, all indubitably showing that primary tuberculosis of the intestine, especially among children, is a comparatively rare disease; and of these few cases that have been enumerated, it is by no means certain that they were due to infection by bovine tuberculosis. It is just as likely that they were caused by the widely propagated bacilli of human tuberculosis, which may have got into the digestive canal in some way or other; for instance, by swallowing saliva from the mouth. Hitherto nobody could decide with certainty in such a case whether the tuberculosis of the intestine was of human or of animal origin. Now we can make the diagnosis. All that is necessary is to cultivate in pure culture the tubercle bacilli found in the tuberculous material, and to ascertain whether they belong to bovine tuberculosis by inoculating cattle with them. For this purpose I recommend subcutaneous injection, which yields quite specially characteristic and convincing results. For half a year I have occupied myself with such investigations, but, owing to the rareness of the disease in question, the number of the cases I have been able to investigate is but small. What has hitherto resulted from this investigation does not support the assumption that bovine tuberculosis occurs in man.

Though the important question whether man is susceptible to bovine tuberculosis at all, is not yet absolutely decided, and will not admit of absolute decision to-day or to-morrow, one is nevertheless already at liberty to say that, if such a susceptibility really exists, the infection of human beings is but a very rare occurrence. I should estimate the extent of the infection by the milk and flesh of tuberculous cattle, and the butter made of their milk, as hardly greater than that of hereditary transmission, and I therefore do not deem it advisable to take any measures against it.

Prof. Koch concluded his paper with special consideration of the subjects of:

What is to be done in the direction of arresting the disease by preventing its diffusion through human infected spulm?

The foci of Tuberculosis infection especially in large cities; The need of hospitals for consumtives; Obligatory notification; Disinfection; Education of the public; Sanitoria, and concludes as follows:

If now, in conclusion, we glance back once more to what has been done hitherto for the combating of tuberculosis, and forward to what has still to be done, we are at liberty to declare with a certain satisfaction that very promising beginnings have already been made. Among these I reckon the consumption hospitals of England, the legal regulations regarding notification in Norway and Saxony, the organization created by Biggs in New York—the study and imitation of which I most urgently recommend to all municipal sanitary authorities—the sanatoria, and the instruction of the people. All that is necessary is to go on developing these beginnings, to test, and if possible to increase their influence on the diminution of tuberculosis, and wherever nothing has yet been done, to follow the examples set elsewhere.

If we allow ourselves to be continually guided in this enterprise by the spirit of genuine preventive medical science, if we utilize the experience gained in conflict with other pestilences, and aim with clear recognition of the purpose and resolute avoidance of wrong roads, at striking the evil at its root, then the battle against tuberculosis, which has been so energetically begun, cannot fail to have a victorious issue.

The copy of Prof. Koch's paper from which we quote, is from the Boston Medical and Surgical Journal of August 1, 1901, and we advise every student to read all of Prof. Koch's paper.

The conclusions to which the London Congress of Tuberculosis arrived may be best shown by the final resolutions adopted. The following resolution proposed by Dr. Hillier was adopted:

That this section is of opinion that a permanent international committee should be appointed (1) to collect and report upon measures that had been adopted for the prevention of tuberculosis in different countries; (2) to publish a popular statement of these measures; (3) to keep and publish periodically a record of scientific re-

searches in relation to tuberculosis; (4) to consider and recommend measures of prevention for the guidance and information of the governments of states and local autnorities.

This congress is further of opinion that such a committee should consist of representatives to be elected by the great national societies for the prevention of tuberculosis, and also of representatives nominated by various governments.

Prof. Deleprine, of Manchester moved the following resolution, which was adopted:

That in the opinion of the State section of the congress the statement made by Professor Koch, as to the danger of consuming tuberculous meat and milk, gives rise to serious administrative difficulties in this country. Such difficulties can only be removed by the confirmation or disapproval of Professor Koch's conclusions, and this section is therefore of opinion that the congress, as a whole, should appoint a deputation to wait upon the president of the Local Government Board and the president of the Board of Agriculture for the purpose of bringing these to their notice.

Mr. Hoffman, Statistican of the Prudential Life Insurance Company, proposed the following resolution, which was adopted·

That, whereas it is in evidence that the further reduction of mortality of tuberculosis is of the greatest financial importance to insurance companies, in the opinion of this section such companies should endeavor to give the greatest publicity to the most essential and easily comprehended facts as to the treatment and prevention of consumption.

Sir James Crichton Browne proposed the following resolution, which after considerable discussion and amendments proposed were defeated, was adopted unanimously:

That, in the opinion of this section, the provision of sanatoria is an indispensable condition for the treatment and diminution of tuberculosis, and that the duty of providing such sanatoria should devolve on the county councils.

THE ASSASSINATION OF THE AMERICAN PRESIDENT.

The act of the assassin brings us face to face with a profound conviction that our criminal system is seriously at fault, when dealing with crimes of the magnitude of this one on the life of the President.

There can be no doubt whatever that as the law now stands, there is no punishment that could be awarded by a judicial tribunal at all adequate to the crime.

As at present arranged it is out of the power of the judiciary to "fit the punishment to the crime," as is commonly said to be the duty of the judge.

The punishment the law metes out to this criminal if McKinley had lived is a mere mockery.

It is difficult to imagin a suitable punishment for the horrible wretch now that M Kinley is dead.

The death of the man who occupies the executive chair of a nation in its legal consequences, in the eye of the law as it now stands, is simply murder, no more so than if it was the coachman or the gardener of the President.

This is where our law needs reconstruction. The act was intended by the assassin wholly outside of the personality of the victim.

It was not in the slightest degree personal, nor in any sense due to any official act of the President nor from any personal feeling against him It was a crime against our civilization as a people

It was not even in condemnation of any act of Mr. McKinley's life in the high office he held.

It was a blow struck in the face of mankind, against any attempt to establish a form of government for the regulation of the rights of the citizens of a great nation.

It was the same spirit that smote the King of Italy, and the other members of ruling families, of the thrones of the Old World in recent crimes of a like character.

It was not in revenge for alleged wrongs, as the Nihilist threatens the rulers of Russia.

It was the outcome of that spirit of anarchy that is new to our day, not the killing of unjust rulers to redress public wrongs, but was an apparently concerted effort to prevent the existence of a government here, based on the will of the majority of the people, to govern the American nation under its written constitution.

How are we to meet this wonderful condition? The assassin of Lincoln acted from entirely different motives. Booth was not an Anarchist.

Guiteau, who slew President Garfield, was simply a lunatic, and the post-mortem examination of his brain by the committee of the Medico-Legal Society showed it to be physically diseased. It was the act of an insane mind.

It was fortunate for us that this was a demonstration, and not a mere opinion. It is an incontrovertible fact that Guiteau's act had not the slightest tinge of anarchy in either its design or execution.

This assassination of President McKinley is not the work of an insane mind.

It is apparently the culmination of a preconceived design and a carefully cemented plan.

In dealing with the wild beast or the deadly rattlesnake we consider, that the right to inflict death, as to an enemy of our race is an inherent right. Measured by every standard available to human reason, the Anarchist who decides to prevent the organization of human government by the assassination of him who has been chosen to act as the head of the government becomes the deadly enemy of the race, far more terrible than the hyena, the tiger or the rattlesnake.

It is not the question of the loss of a single life. Mr. McKinley disappears, in the magnitude of the crime against the rights of the American people.

Have the people, who are the real parties to this controversy, the right, to so reform their laws as to place the Anarchist on the same plane as the poisonous serpent or the deadly wild beast?

The movement to class an attempt at an assassination, by statute, with the same penalties as if it was successful, does not reach the case. The combination that slew the President may strike in the same deadly manner at his successor.

It is a stupendous question in our criminology how to prevent this crime. The death of the assassin is no adequate punishment for such a crime. The nation is now exposed to its repetition at every public function. We should consider whether our time-honored custom of shaking the hand of the Executive should be continued. Apparently no precautions can prevent a recurrence if the custom continues.

EX-CHIEF JUSTICES SUPREME COURT OF TEXAS.

HON. ORAM M. ROBERTS.
1864-1866, 1874-1878.

HON. ROBERT S. GOULD.
1881-1882.

HON. JOHN W. STAYTORN.
1885-1894.

From advance sheets Supreme Court of the States and Provinces of North America.

AMERICAN CONGRESS OF TUBERCULOSIS.

ADDRESS OF WELCOME.

BY CLARK BELL, ESQ., LL. D., PRESIDENT MEDICO LEGAL SOCIETY.

The Second American Congress of Tuberculosis convened in conjunction with the New York Medico-Legal Society as per announcement, on the morning of May 15, 1901, at the Hotel Majestic, in the city of New York.

There was an audience of about fifty members of the society and delegates to the Congress from several States of the Union, from Canada and other Central and South American nationalities present, representative of the interest in the purpose of the Congress, by the civil authorities from whom they presented credentials.

The convention was called to order and welcomed by Clark Bell, Esq., President of the Medico-Legal Society.

My Dear Colleagues of the Medico-Legal Society, Officers and Members of and Delegates to the American Congress of Tuberculosis: It is due to you and through you to not alone the professions of Law and Medicine, but to the great mass of people, who are so deeply afflicted by the dread disease, which is so terribly destructive to human life, that some reasons and perhaps explanations should be made for the organization of this Congress.

The Medico-Legal Society, which long ago ceased to be a local body, is not only National but International in its scope, influence and action, has come to consider the question of appropriate legislation to prevent the spread of tuberculosis as one of the supreme and most profoundly important questions of forensic medicine that is likely to come under the examination of lawyers, physicians, law-makers and statesmen, who study the welfare of the race.

You meet to consider tuberculosis in all its aspects, but above all the means for its prevention. Its nature, characteristics, extent and results are and should be fruitful themes for your careful examination and most scrutinizing study, but

the overpowering, all-important and crucial question of all is, from a medico-legal view point, can its spread be averted by legislation, or can legislation aid in its prevention?

The most thoughtful men in Great Britain, three years since, organized a movement for the United Kingdom, in which the ablest lawyers, physicians and statesmen united for the consideration of this great question, over which the Prince of Wales presided, and in which he was deeply interested. It set in motion a world-wide question along lines of the broadest statesmanship.

Italy followed with a similar movement, in which the evil wa recognized and its enormous interest conceded. The scholars of that country also asked what was the duty of the race in such a peril, and how could the ravages of that dread devastation be even diminished?

There seemed to be no action contemplated by the great medical bodies in our country to organize any movement for the prevention of tuberculosis. The lamentable death of Dr. A. L. Loomis appeared to be on the eve of such a movement, and had his life been prolonged there is good reason to think that ere now he would have aroused the medical profession of our country to a united effort for the prevention of consumption.

In default of any such effort by the medical profession in this country, the Medico-Legal Society, following example of the united professions and men of affairs who organized the British association, before referred to, obtained the co-operation of the professions. The Medico-Legal Society initiated the movement in February, 1900, and organized the body which to-day holds its second annual session.

The report of last year's Congress, with its printed Part I of its Bulletin, was presented to the 13th International Medical Congress at Paris in August, 1900, by a select committee of the American Congress.

The most remarkable, and to my mind the most important, action co-ordinate was organized in the Canadian provinces last February. At a conference among the best lawyers, statesmen and physicians of the Dominion of Canada held at Ottawa, the Society for the Prevention of Tuberculosis was formed. His Excellency Earl Minto presided, the Lieutenant-Governors of the several provinces were made vice-presidents, and the management intrusted to Sir James Grant, M.

D., as president, and two officials from each province, one a physician and one a lawyer or member of the Dominion or Provincial Parliament.

This body is most distinctly under the authority and protection of the Government, and I predict for it a marked success in the Dominion of Canada.

It would not be proper or right for me in this place or on this occasion to omit to notice the organization of a society at Toronto, in Ontario, which has already made itself felt in the legislation of that province under the presidency of Dr. E. J. Barrick, of Toronto, a member of this Congress, and who will address you on a phase of this question, and to the labors of his colleague, Dr. Bryce, of the Board of Health of Ontario, who have placed that Province in the vanguard of practical legislative action, looking towards the arrest and spread of consumption.

It is also worthy of mention that a society has been organized in the State of Illinois, entitled "The Illinois Society for the Prevention of Tuberculosis," of which Dr. John A. Robinson, an eminent physician of Illinois, is secretary, who is a member of this congress, and who will present a paper "On the Need of a National Interstate Society for the Prevention of Tuberculosis."

A second session of the British Association has been called to meet next July in London, and invitations have been sent to foreign countries, to send delegates to its meeting, at which the then Prince of Wales had consented to preside before he came to the throne.

That body has sent an invitation to the American Congress of Tuberculosis to send delegates there at the July session of 1901.

In order that the medical profession might be fully represented throughout the nation, all the State medical societies and all the academies of medicine have been invited to enroll and co-operate, and to send delegates to this session, some of whom have done so.

The question of the construction of sanatoria in the States is attracting great attention, and the most important feature of this conference is that the Governors of all the States and Territories of the Union and of Canada, and of the States of South and Central America were invited to send

delegates here. The Governors have very generally made the appointments, only two Governors in the Union declining, and the illness of one and absence of others has prevented their selection in a few states; but the nature of other delegates selected have not reached the officers of this body.

The shortness of the time prevents many of the Central and South American States from being represented, but notice has been given that all papers contributed to this Congress, which reach its officers after the session and prior to August 15th will still be embraced in its Bulletin.

This, gentlemen, brings me to a more agreeable duty, that of presenting the President of the American Congress of Tuberculosis, Dr. A. N. Bell, the veteran sanitarian, who for more than a quarter of a century has been at the head of sanitary science in our country, but who, on account of deafness, desires to vacate the chair on your election of a successor.

As two bodies are here meeting in joint session, I hope that the selection of his successor and of permanent officers of this American Congress will be deferred until after the opening exercises are concluded, except the appointment of a nominating committee, whose report can be accepted at the afternoon session of 2 p. m.

THE PREVENTION OF TUBERCULOSIS.

By A. N. Bell, A. M., M. D, President of the American Congress of Tuberculosis, New York, May 15, 1901.

This Congress is in perpetuation of the first American Congress of Tuberculosis, held here in February, last year, which as you have already been informed, was prompted by the organization of the National Association for the Prevention of Consumption, in London, the year before. The striking similarity of the membership of that organization to that of the New York Medico-Legal Society, inasmuch as it was composed of physicians and lawyers, and of the most intelligent and progressive persons of other pursuits, eminently available for the promotion of the objects of the organization, was promptly grasped by the ever vigilant and aggressive altruist who has just addressed you, and it is to him especially that this organization owes its existence.

The nature of Tuberculosis is now common knowledge. All intelligent persons now know that it is contagious and that it is the most universally prevalent and fatal disease that afflicts the human race. Yet it is known to be preventible; and the prevention of Tuberculosis is the now leading thought of sanitarians everywhere. The purpose of this Congress is to aid in the practical application of this thought.

Tuberculosis in all its forms is the work of a microbe, the tubercle bacillus, a living organism, which when it once gains foothold in a susceptible subject, multiplies in countless millions. It is by the transmission of these bacilli from person to person and from animals to persons that tuberculosis is communicated. The chief way by which they are transmitted is by means of the expectoration of affected persons, which contains them in myriads, and when the expectorated matter becomes dry, the germs are disseminated in the form of dust round about and liable to be inhaled by persons or animals in the vicinity. And, unfortunately, consumption is so prevalent and insidious that progressive health authorities have recognized the danger of expectoration in all places

where the sputum is likely to dry and leave its residue to be disseminated in the air and become the means of spreading consumption, and have instituted measures for its prevention. Such efforts are praiseworthy and should be enforced to the utmost extent, as should be also the kindred practice of collecting and destroying the sputum of known consumptives everywhere; but such efforts are essentially of small scope when considered in relation to the universal distribution of tubercle bacilli, whose maintenance everywhere evidently depends upon susceptible subjects among the lower animals as well as mankind.

Tuberculosis has been long known to be no less universal and fatal among domestic animals, especially those of the bovine species, than among mankind; and for the most part the conditions of its prevalence are the same in both.

That consumption is not everywhere and in all places correspondingly prevalent with the germs round about is because persons in sound health possess the physiological power of resisting and destroying them. The natural secretions of the respiratory organs of healthy persons arrest and devour them by oxidation, and they are cast off.

There must be besides the seed the soil adapted to their planting and nutrition. otherwise they cannot obtain foothold. But the cosmopolitan nature, various propensities, occupations and habits of mankind are such as to always present a more or less fruitful soil for the maintenance of tubercle bacilli. And no community, to our knowledge, surpasses New York in the display of the predisposing conditions. Moreover, it is an old story to some of us who have taken notice of its rehearsal for many years.

Indeed, it may be said of the health department of this city from the time of its first organization on a scientific basis thirty-five years ago to the present time, it has constantly exhibited the predisposing conditions of tuberculosis in the community.

The exceeding prevalence of consumption in the crowded and filthy tenement houses among the stifled, poorly nourished and badly clad occupants, the relative prevalence of the disease in the different wards of the city with relation to density of population, and the Factory Inspector's display of the disease-distributing sweatshops are not new revelations.

Some of us have had familiar knowledge of these cultures for more than forty years. But it is only just now, as it were, that they have been intelligently recognized by the law-makers. The new tenement house law and the establishment of sanatoria for the poor victims of the preventible conditions referred to, are encouraging indications. But approximate conditions pervade the community and society at large. It is for the promotion of efforts to overcome such condition wherever they exist, that this Congress has been organized

From a physiological standpoint, all observers appreciate the important difference which exists in regard to the requirements of nutrition between the young of all animals and those of mature growth, and in none is it more marked than in the human species. In infancy, and throughout the growing period of life, not only is it necessary to repair the waste of tissues constantly going on in the young as well as in the old, but the frame has to be built up to the degree of development it is destined to reach. To meet this demand on the part of the animal economy, is the foundation of the enormous appetites and rapid digestion common to the young of all animals. Every organ of the body, in addition to sustenance, appropriates the additional amount of nutriment necessary to give it required bulk. The current of nutritive life in the young is, therefore, an exceedingly rapid one, and the especially remarkable feature of it is that the blood itself, from which the organism is built up, receives its impressions and modifications—its constitutional predisposition—chiefly from the nature of the food during the growing period of life. Such, indeed, is the main foundation of the so-called "hereditary" diseases, for it is well known that the offspring of progenitors with well-marked constitutional tendencies may often have their hereditary tendencies wholly overcome, and a radical change effected, by a change in the quality of the nutriment and the physical surroundings; and, on the contrary, the offspring of those possessed of the highest degree of physical organization may be dwarfed to the lowest degree of degeneracy by withholding the necessary conditions of healthy development, or by subjecting them to poor food and a vitiated atmosphere deprived of sunlight.

That city cow-stable milk, is peculiarly liable to produce diarrhoea, debility and marrasmus in infants has been long

known; and recent knowledge shows that intestinal tuberculosis is communicated by the same means.

Other food, of adults as well as of children, is liable to tuberculosis contamination by exposure to the germs afloat as dust in the atmosphere, and particularly in rooms that have been or are occupied by consumptives, or to the dust shaken from clothing and bedding that has been so exposed. This danger is the greater, since facts demonstrate that the tubercle bacillus preserves its virulence through three or four removes, and that successful inoculations have been made with tubercular matter from a patient who had been dead for thirty-six hours, and with sputum which had been in a dried condition for twenty days. In experiments on animals, it has been found to produce no effect after having been boiled, provided the boiling was thorough. Some veterinarians believe that it is communicated by forage, soiled by the expectorations of diseased animals and consumed by the healthy.

It is notable, in this respect, that in the marked progress of practical sanitation in recent years veterinarians are in the vanguard, and chiefly because people are wont to respond with more alacrity and with greater liberality for the suppression of an epizootic among their horses or a pleuro-pneumonia among the horned cattle than for the arrest of small-pox or the prevention of consumption. Individuals, communities and States will make liberal appropriations to improve the breed of stock or contribute to the contest for a prize at a dog-show, while they will refuse assistance or oppose a tax for the admission of air and sunlight into a stunting school, or for the drainage of a marsh which by its emanations and cultivation of mosquitoes is a perennial source of human degeneracy, disease and death. It is, therefore, fortunate, that in the progress of veterinary sanitary science, it has been discovered that many of the most fatal and loathsome diseases which afflict the human race are equally common to—if, indeed, they do not actually take their rise from —domestic animals. Tuberculosis, scrofula, small-pox, syphilis, malignant pustule, hydrophobia and trichinosis are examples. Veterinary sanitary science, therefore, may well be regarded as the right arm of public hygiene.

In conclusion, it has been my purpose rather to display the field of labor for the prevention of tuberculosis than to

attempt any detail of the procedures. It is sufficiently comprehensive and, I think, sufficiently perspicuous to enlist the co-operation of all intelligent people.

But it is incumbent for me to no longer be an obstacle to the work of the congress by my incompetency for this chair. The imperfection of my hearing is such as to make it impossible for me to keep the run of the proceedings. I, therefore, resign the honor of longer presiding, and request that you proceed to elect a successor.

THE CASE OF MRS. MAYBRICK.

The delay of the English authorities in ordering the release of this unfortunate American lady, occasions the deepest regret in all sections of our country, and severe criticisms have been made against what has seemed to be neglect, and by many is asserted to be inexcusable neglect, in not pressing upon His Majesty's ministers,the expediency, justice and propriety of her release, by those of her friends in America and England who have so long and persistently labored for this result.

A few words of explanation will suffice to show the very extraordinary circumstances surrounding the presentation of any new case to the new home minister, after the change in the English cabinet.

It must be remembered that the formation of a new ministry and the retirement of the home minister, before whom the memorial and application by the committee of the Medico-Legal Society was made, through the direction of President McKinley, by our American Ambassador, Mr. Choate, was announced very suddenly and quite unexpectedly, and before any decision had been announced to the government of the United States or the committee, upon the memorial laid before the home office.

The best legal advice consulted on both sides the Atlantic united in the opinion, that the superseding of the Rt. Hon. Matthew White Ridley as home minister, by a new official left the undecided application upon the memorial in a similar condition to a case in the law courts, which having been submitted and argued at length, had not been decided by the trial judge, before his term of office expired.

After a reasonable time it was agreed by all the friends of the prisoner, on both sides of the Atlantic to make a memorial by the same committee on 1. The points made in the first memorial, and the papers submitted therewith, by distinct reference to them all; 2. On the original letter of the Late Lord Chief Justice, the Earl of Killoween, and 3. On the stronger point that quite irrespective of and wholly outside of the question of the innocence or guilt of Mrs. Maybrick, she had already suffered sufficient punishment, and that the English government would be justified in ordering her discharge, without any reflection upon the administration of justice.

While the papers for this memorial were in process of preparation, the sudden death of Queen Victoria made a suspension of all action imperative.

No one can properly criticise the friends or counsel of Mrs. Maybrick for a complete and perfect silence during the exciting days following the death of her late Majesty, or the accession to the English throne of the present King.

What his attitude was to be on the question of assuming the royal prerogative of pardon, which was vested in the crown by the constitution of England, could only be conjectured.

His mother, who had surrendered her prerogative when a young girl of 18, acting under the advice of her ministers and who had never once exercised the prerogative during her long reign, had consented, that the Home Secretary should exercise the powers vested by the British Constitution in the throne, and whether King Edward would follow her example, or exercise the prerogative in person, was wholly beyond the knowledge of any of her friends.

It was natural, that if any such change was under consideration, it would not be put in execution or might not be until after his coronation, and this with other strong and controlling reasons, made all the friends that had been consulted, unanimous in the opinion that the completion of a new memorial would be unwise and impolitic in the extreme.

There were also very strong and powerful reasons, which cannot well be stated, but which controlled action; on which very strong hopes were grounded, that the English government might, of its own motion, conclude,that the term of imprisonment had now reached a period that it could with self-respect consent to the almost universal prayer of the American people for the deliverance of their countrywoman, who while these events were thus progressing, still languished in an English prison, and to whom the Lord Chief Justice of England had said, both in the briefs he had filed with the Home Secretary urging her release, while Lord Chief Justice of England and his letter to her: "That her release ought to be granted. I feel as strongly as I have ever felt from the first that you ought never to have been convicted."

Then when so many weary months of delay, which brought no fruit to our hopes, had elapsed bringing up the question again, of whether the new application should be made, and transmitted again through President McKinley, by a fresh appeal for clemency, came the hand of the assassin and the powerful voice and interest of that great heart in her release ended forever, which put such a movement, at least for the present, out of further consideration. These considerations and reasons are given in response to the large number of anxious and earnest hearts of so many of her countrymen and women, who are asking the chairman of the Maybrick Memorial Committee, what tidings have you, or hopes do you entertain of her release?

When the letter of the Lord Chief Justice of England was published in England by the writer in September, 1900, on leaving London, some of the English provincial press pronounced it a forgery and denied its authenticity.

It was then photographed and the original placed in London where the American Ambassador could produce it on a day's notice for the inspection of the Home Secretary and a fac simile of that photograph reproduced and published in the Medico-Legal Journal, but it was too large,

Royal Courts,
27th June 1895.

Mrs Maybrick

Dear Madam,

I have been absent on Circuit: hence my delay in answering your Letter. I beg to assure that I have never relaxed in my efforts when any suitable opportunity appeared to urge that Home Secretary ought to be granted. I feel as strongly as I have felt from the first that you ought never to have been convicted and this opinion I have very clearly expressed to Mr. Asquith but I am sorry to say I have without Effect.

I will assure that I shall renew my representations to the incoming Home Secy whenever he may be so soon as the Govt is formed and the Home Secretary is in a position to deal with such matters.

Yours faithfully
Russell of Killowen.

Fac-simile of an original letter written by the Lord Chief Justice of England, Lord Russell of Killowen, to Mrs Florence E. Maybrick, and placed by her in the hands of Clark Bell, Esq., as her attorney and coun sel, photographed in London, and reproduced in New York

(being an exact reproduction of the original letter on the official paper of the High Court of Justice,) for reproduction in journals.

I am not aware that this reproduction was reproduced in England in any newspaper. I now reproduce that letter, reduced in size by photography so that it can be the more readily reproduced, and, to bring it to the eye of the people of England as well as of the civilized world, because I now as firmly believe as ever, that there is no country in Christendom who would be justified by its people in retaining in prison any one to whom the head of the judiciary had voluntarily and officially written, the words which the Earl of Killoween addressed to Mrs. Maybrick in this letter; after the fact had come officially and undeniably to the knowledge of the government.

THE BRITAIN AND THE BOER.

Mr. Broderick, the British Secretary for War, is reported to have said recently at the Carlton Club, referring to the determination of the English government to keep on in a policy that they call "wearing down the Boers," that "the country has set its teeth."

It is unfortunate for England, that the present English ministry, take credit to themselves for this "setting of the teeth," which it is to be hoped is more the feeling of the ministry than of the people of England.

How do the people of England really feel over this long protracted war, over the enormous sums expended, increasing the national debt? How about the terrible loss of life of the very flower of the English youth?

Is all now gained, or all that could be gained no matter what the result may in the future be, worth one tenth part of the treasure already spent or of the blood already spilled.

Is the Britain more obstinate than the Boer?

The Boer is descended from a race that carried on a war for many years with the most powerful nation of that date in all Europe. Shall we expect the extermination of the Boers in five years? How many years can Britain stand such a strain? Some means should be found and speedily to terminate this war.

Punch reflects English public sentiment in its cartoon, which represents Broderick and his conferees as blind.

This lockjaw of which Mr. Broderick speaks, may result in a fatal case of tetanus, to the present English ministry.

Two years more of such a war, at the cost of the past two years, would create such a reaction in England against the ministry as would be overwhelming.

The waste in money alone, leaving out of count, the blood of Englishmen is simply appalling. And the misery of it all is that it is a loss that is irreparable, and no matter what the result may be, can never be made good.

THE TREASURY DEPARTMENT AND ITS CRITICS —IMMIGRATION OF CONSUMPTIVES.

The Secretary of the Treasury, under the advice of the supervising Surgeon-General of that department has decided that pulmonary tuberculosis is a dangerous contagious disease, and immigrants coming in suffering from this disease in advanced stages, are returned under the regulation adopted by the authorities.

This action has aroused the ire of some—and one obscure physician—in New York, who is the author of a work of conceded merit on the general subject, but who has not had, much of either experience or practice, has attacked the action of the Treasury Department as "unscientific and inhumane."

It is a way that some people have who desire notoriety, to gain it by assailing officers and public men, and thus seek to elevate themselves in the public estimation, by climbing up on the stairway of the reputations they seek to destroy.

The doctor in New York without a practice of any account or social position in his profession who fancies he will benefit himself by rushing into the lay press with accusations against Surgeon General Wyman and his want of humanity and assailing his scientific judgment, will hardly accomplish his purpose.

In the cases that have come up for review by the court, the department has been sustained in Brooklyn, but we learn that it will go on appeal to the United States court, where we do not doubt the judgment will be affirmed.

Surgeon-General Wyman is wise not to notice such an assault from such a quarter.

The regulations of his department do not encourage him in making a reply which was doubtless the object of the writer who assailed him.

A man may write a fairly good book and deserve the credit his work entitles him to on the general subject of tuberculosis and its treatment; and get a prize for it; but he may have very crude ideas of humanitarian legislation, and be all astray on questions of "scientific action or legislation."

As a rule so far as our observation goes, no solid enduring claim to public recognition in the profession—especially of medicine—can be practically gained by assaults against the scientific attainments of, the medical advisers of the Treasury Department, nor can the view of humanitarian subjects from such a source be of service to the Treasury Department, in regard to its regulations or to the courts in their enforcement.

The danger of extending the area of tuberculosis; the settled policy of the government, to prevent its spread by all legitimate legislation as a menace to the public health, is an imperative recognized duty.

It is much higher than any personal suffering in any isolated case or even in those where its workings might seem harsh.

Similar objections on so-called humanitarian grounds could be made, in cases of small-pox, cholera, yellow fever, leprosy, etc., but they should not be allowed to operate against the laws and regulations of the department based on the highest consideration of the public welfare.

THE CANTEEN IN THE AMERICAN ARMY.

Public sentiment seems much divided upon the question of the repeal of the recent act of Congress abolishing the canteen in the army.

Secretary Root took strong grounds in favor of its repeal, which has been sustained by high medical authority and by what must be conceded to be a strong feeling among officers of the regular army, in favor of the repeal and the restoration of the canteen.

On the other hand the general of the army, in his annual report, strongly advises against the repeal of the act. Gen. Miles says:—

"It is believed that no injury has resulted thereby, and that the law has, in the main, been beneficial. The army is composed principally of young men, who have not formed the habit of using liquor, and although the majority of the enlistments actually occur in large cities, as the recruiting offices are principally located there, a large percentage of the men come from homes in the country and small towns and villages in every part of the United States. The prediction that the change would prevent enlistments and increase desertions has not been fulfilled. Since the law was approved, namely, February 2, 1901, the recruiting stations have been thronged with men seeking enlistment for the service, 25,944 men having enlisted since that date, and the percentage of desertions is now far less than in former years. Desertions most usually occur during the first six months of enlistment, and a much larger percentage of enlistments have been made during the last six months than heretofore. In many cases the men that have deserted belong to a class whose presence in the service was not desirable under any conditions, but whose real character was not known at the time of enlistment."

And his views are sustained by Generals Wheeler, Shafter, and Daggell.

The views of the English General Lord Roberts upon the subject must have great weight with members of our Congress.

In his "Forty-one Years in India," Lord Roberts writes:

My name appeared in the (Queen's) Jubilee Gazette (1887) as having been given the Grand Cross of the Indian Empire, but what I valued still more was the acceptance by the Government of India of my strong recommendation for the establishment of a club or institute in every British regiment and battery in India. In urging that this measure should be favorably considered, I had said that

VICE-PRESIDENTS AND PROMINET MEMBERS OF THE AMERICAN CONGRESS OF TUBERCULOSIS.

DR. JOHN A. ROBISON,
Chicago, Ill.

DR. U. O. B. WINGATE,
Milwaukee, Wis.

DR. EDWARD LICEAGA,
City of Mexico.

DR. LOUIS LABAYLE,
Leon, Nicaragua.

DR. C. F. ULRICH,
Wheeling, W. Va.

DR. LOUIS LEROY,
Nashville, Tenn.

DR. T. VIRGIL HUBBARD,
Atlanta, Ga.

the British army in India could have no better or more generally beneficial memorial of the Queen's Jubilee than the abolition of that relic of barbarism, the canteen, and its supersession by an institute, in which the soldier would have under the same roof a reading-room, recreation-room, and a decently managed refreshment-room.

Lord Dufferin's Government met my views in the most liberal spirit, and, with the sanction of Lord Cross, "The Regimental Institute" became a recognized establishment, a fact which my colleagues in council referred to as a second Jubilee honor for me!

At a time when nearly every soldier could read and write, and when we hoped to attract to the army men of a bettter stamp and more respectable antecedents than those of which it was composed in "the good old days," it appeared to me a humiliating anachronism that the degrading system of the canteen should still prevail, and that it was impossible for any man to retain his self-respect if he were driven to take his glass of beer under the rules by which regimental canteens were governed. I believed, too, that the more the status of the rank and file could be raised, and the greater the efforts made to provide them with rational recreation and occupation in their leisure hours, the less there would be of drunkenness, and consequently of crime, the less immorality and the greater the number of efficient soldiers in the army.

Funds having been granted, a scheme was drawn up for the erection of buildings and for the management of the institutes. Canteens were reduced in size, and such attractions as musical instruments were removed to the recreation-rooms; the name "liquor bar" was substituted for that of canteen, and that there should be no excuse for frequenting the "liquor bar," I authorized a moderate and limited amount of beer to be served, if required, with the men's suppers in the refreshment-room—an arrangement which has been followed by the happiest results.

It is doubtful if Congress will consent to repeal the law, at least without a trial. The present size and needs of our army, its great strength, and the immediate work before it, will offer an opportunity to study the effects and results of the abolition of the canteen.

Congress is a conservative body. Reforms rarely move backward. The sober second thought of our people will be to wait and see how the law works.

It will be in time to repeal the act, when experience and trial have demonstrated, that these generals of the great armies now in action, are wrong in their judgment against the "canteen." It is prudent and conservative, now that we have the law in force to give it a fair trial.

GOVERNOR ODELL AND THE HOSPITALS FOR INSANE.

The Governor of New York has certainly been by a long way the most popular Governor the State has had for many years. Men of all creeds of political faith unite in admiring his intense, earnest and honest administration. That he is acting from high motives and for what he deems best for the public welfare, cannot for a moment be doubted or questioned. The evil he seeks to correct lies deeper than he has suspected.

The vice is in the law which gave any thing beyond advisory powers to the State Lunacy commission. There is no Board of Lunacy Commissions in the world except the single one in New York that gives arbitrary powers to the Lunacy Commisioners.

For nearly half a century the Earl of Shaftesbury was chairman of the English Lunacy Commission and he was not a physician. Under his wise, prudent and humane management all the great reforms in the Lunacy Statutes of England were worked out and secured. The corner stone of that Commission was that its action should be advisory only. He steadfastly opposed any legislation granting other than advisory powers to that Commission.

It exercises only such powers now; the same is true of the Scotch and Irish Commissions. It is true of the State Commission in Lunacy in every American state—save New York.

The change in New York was a step backward in lunacy legislation. It was mainly due to one man who expected to profit by it and limited its chairmanship to a class of which there was then not five eligible in the state.

Its practical working throws every state hospital into confusion in the state.

It was, as administered, a deplorable failure, and the chairman had to abdicate by universal consent.

Dr. P. M. Wise, of a large hospital experience and high standing among State superintendents, did much to allay the excitement and disaster that the act made necessary and unavoidable.

Governor Odell came into office with a vacancy in the office and a law so framed that he refused to proceed under it.

His action was wise, discreet and politic, but he did not look deep enough into either the law itself or the situation. His mistake was that he did not ask for the repeal of the whole law and not its most objectionable provisions.

The lunacy commission as now composed is beyond all question incompetent to carry out the ideals of the Governor.

Not a man in it has had previous hospital experience with the management of such hospitals as we now have.

The confusion that would follow if the plans of the Governor as we understand them were carried out, would be tenfold greater than those that followed Dr. Carlos MacDonald's administration. He antagonized every superintendent of every hospital in the State and every Board of Managers, and left office by general consent.

It is not too late for Governor Odell to restore a harmonious condition, and that is by repealing every provision of the law that confers powers other than advisory, upon the State Board of Lunacy Commission.

Its work by the experience of half a century in Great Britain and in our own country, should be, *visitation—inspection*, with accent on both, and *advice*. The experiment of arbitrary and not advisory powers in a State board has been demonstrated to be a failure by our experience in New York. The law in this respect is radically wrong and should be repealed in this regard.

The Superintendents of the State Hospitals for the Insane of the State of New York are among the most accomplished,

able and experienced alienist of the insane hospitals of the world.

The boards of managers of the State hospitals are of the highest order of excellence.

Many of them, as at present composed, are far away superior to the State Board of Lunacy Commission as it is now composed in New York.

They deserve praise and thanks and commendation for a voluntary, unpaid service. To take any step that would compromise or in any way reflect upon their long and philanthropic labor, would be as unwise in Governor Odell as it would be cruel and unjust to their feelings and public reputation.

It is not so much a qustion between the Governor and the people of the State, as it is the welfare of the insane themselves.

The Earl of Shafterly in speaking to the British Parliament said that "he spoke for that unfortunate class who were unable to speak for themselves."

The welfare of the insane themselves is higher than all other considerations at this hour, and this large body of unfortunates, the wards of the State, would be the real sufferers should such a calamity occur as to place the State hospitals for the insane under the management of the State Lunacy Commission as it is at present organized.

EX-CHIEF JUSTICES SUPREME COURT OF KANSAS.

HON. NELSON COBB.
1863.

HON. SAMUEL A. KINGMAN.
1867-1876.

HON. DAVID MARTIN.
1895-1897.

HON. ROBERT CROZIER.
1864-1866

From advance sheets Supreme Court of the States and Provinces of North America.

INAUGURAL ADDRESS AS PRESIDENT OF THE MEDICO-LEGAL SOCIETY.

BY CLARK BELL, ESQ., LL. D., OF NEW YORK CITY.

Pronounced January 15th, 1902.

I have again to return thanks to the members of this body, for another re-election to the chair of this Honorable Society. I had hoped that some one else would have been chosen to fill this place, during the coming year, but it has doubtless been due to the position the Society now occupies in relation to the proposed meeting of the American Congress of Tuberculosis in May next, that has made the management so unanimous in refusing to change the present officers, and to override my personal wishes and feelings in that respect.

I submit to the general consensus of opinion among my associates, that a change at present would not be for the best interests of the body, and might prejudice its efforts, in one of the most important movements it has ever been connected with.

THE PAST.

It is now thirty years since I was elected to the chair you ask me now again to assume. I have not time to speak in detail of the work of the body in these eventful years, but must refer only to its later labors on which I touched in my last year's address.

THE PROGRESS OF THE SCIENCE.

During the year 1901 our labors in the field of Psychological Medicine, will be best understood and appreciated by the annual report of the Psychological Section, which accompanies this address, and should be considered as forming a part of it.

The same is true respecting the report of the section upon Medico-Legal Surgery.

A perusal of these reports, will best illustrate the ripe labors of this body, and show what such an energetic, resolute, and aggressive band of workers can accomplish who have united for a common purpose.

The recent events that have come to affect human destiny, especially in this nation and its environment, that have crowded upon us, in the past year, are of such enormous import, and so relate to and affect us, and our future, in the American nation as, to exceed in interest any and indeed all other years within our recent recollection.

The death of the Queen of England; the accession of King Edward to the throne of the British Empire, and his coronation next summer, have had, not only a very great influence in our country, but coupled with the tragic death of President McKinley, (the President most beloved of any by the American people since President Lincoln), have touched the hearts and aroused the keenest sensibilities of all peoples,who speak the language of our country, as they have never before been affected by human events. The accession of President Roosevelt to the chief seat in our nation, as the sequel of the terribly tragedy that placed the responsibility of this high place, with all its solemnities, upon him, seems to have united our people, with one mind to rally to his support, and to have lifted him to a higher sense of the great public interests and trusts, committed to his charge, and the spirit in which he received it, and the strong pledges he gave to the nation with such emotion and solemnity, to carry out the policy of the dead President, so clearly enunciated and defined, on the very day of his death, seems to have almost transferred to the new ruler, the great wealth of affection with which the American people had regarded the dead McKinley.

These tremendous events, so far-reaching in human destiny, and notably on the future of the American people on this continent, have caused an absolute suspension of all official action by the committee named by this society in respect to the anticipated release of Mrs. Maybrick for reasons, which are at once apparent, by reason of the change of rulers and ministers, so occurring as to make formal official action inappropriate and if not impossible, certainly impracticable.

Now that King Edward will shortly pass through the stately ceremonies of his coronation, it is believed that in accordance with what is belived to be public sentiment and opinion, that the occasion will be signalized by her release in accordance with a general conviction, that she who has languished more than twelve years in prison,

will be pardoned, without reference to any question of her innocence or guilt. That especially when the late Lord Chief Justice of England has, while acting as the head of the English justiciary,placed himself on record,both in his voluntary letter to Mrs. Maybrick now in the hands of the committee of this body, and in various written papers, letters and briefs, on file in the office of the Home Secretary, "That she ought never to have been convicted. That she ought to be speedily released," and as stated by his late biographer in the recently published life of the Earl of Killowen, from the lips of the great jurist and from copies of his writings, about which there can be no doubt or question, not only of his profound conviction of her absolute innocence of the crime charged, but of his clear and undoubted belief, that she ought not to have been convicted upon the evidence, that the death of Mr. Maybrick was not due to arsenic, or any poison, and that from the day he took the oath as Chief Justice of England to the day of his death he never ceased to labor with one Home Secretary after another, with the greatest possible energy, persistentcy and ability, in urging the propriety and wisdom of her release by the English government.

For professional reasons this great jurist, while he never concealed his views and opinions from his personal friends, nor from the English Bar, would not either make them public himself, nor consent to giving them publicity, but the letter, he gave her voluntarily while Chief Justice, and written on the official paper of his high office was intended by him in the case of his death, to assure the world, of his belief in her innocence of the crime as charged in the indictment on which she was tried, and her continuance in prison, as contrary to his judgment on the evidence in the case.

THE LEGAL STRUGGLE WITH TUBERCULOSIS.

Since the organization of the Medico-Legal Society, indeed since the beginning of the last century, no such momentous question in forensic medicine, has ever been presented to the general judgment and verdict of the Professors of Law and of Medicine, as the one with which now all the civilized nations of the world are confronted, and with which all are now grappling in the question of legislation for its prevention and

spread. How far can the ravages of consumption be arrested by legislation? Can any legal enactments or regulations sanctioned by law, arrest its devastating march upon, and its terrible destruction of human life?

It is the most momentous question of the hour, and last year our best effort was in inaugurating, organizing and rallying all the forces at our command upon this supreme question of medical jurisprudence.

THE AMERICAN CONGRESS OF TUBERCULOSIS.

While there had been an attempt to enlist the medical profession in the issue, in 1900, the labors of this society were initial and tentative, and only originated as a question of forensic medicine,which did not so deeply interest medical men outside the Medico-Legal Society, as it should have done; but the session of the American Congress of 1901, at the Hotel Majestic, on May 15th and 16th, 1901, was indeed splendidly successful in the organization of, and the real inauguration of a superb movement, international in scope and purpose, and based on the co-operation of not only the American States of our American Union, but on every state, province and country in the United States of America, in Mexico, and in the South and Central American Republics and in the Dominion of Canada. Both continents of the Western Hemisphere and all countries in American waters were intended to be embraced in its labors Governors of a large number of states of the American Union named delegates, and Mexico and the Central and South-American States were to some extent represented and the Dominion of Canada. The Bulletin of this work now nearly completed containing over 300 pages, which are a part only of its labor, will illustrate the great value and importance of its work and its value to the literature of the subject. The most important of all, however, was the organization of a strong body with a board of officers, selected from various parts of the states, provinces and countries of both continents upon the Western Hemisphere, the original officers of which have been announced to the world.

The plan proposed was to have three additional vice presidents chosen in each state, province and country, who would form the nucleus of work in each location, and this has progressed until these officials have been chosen and selected for

at least half the American states, and in some of the Canadian provinces, Mexico, some of the Central and South American Republics and this branch of the work of organization is rapidly approaching completion.

The officials of that Congress have also appointed honorary vice-presidents, and are now making such appointments for each country, state and province, and these officials have been chosen and accepted for the Dominion of Canada, and in all its provinces from men of the very highest character and social position in the Dominion. This work is also progressing in the various states of the American Union and in Mexico and in all the Central and South American Republics and will soon be complete and ready for announcement. The delegates already appointed by the governors of the States of the American Union are over 160 in number exclusive of a considerable list of delegates from medical societies, academies of medicine, legal and other organizations.

The officers have announced the next general session of the Congress for the 14th, 15th and 16th of May, 1902, to be held in joint session with the Medico-Legal Society at the Hotel Majestic in the city of New York, with a public banquet on the evening of the 15th of May, in which all medical and legal societies are invited to co-operate and to send delegates, and medical and legal men are invited to contribute papers to be read. A programme will be prepared and announced later to embrace the issues of the hour, the discussion of which will enlist the ablest thinkers and talent in the profession of law and medicine, in both countries of the entire Western Hemisphere, and their dependencies.

A MUSEUM.

There will be a museum and a suitable room has been secured at the Hotel Majestic for this purpose, convenient to the assembly room and the preparation for the museum will be in the hands of a carefully selected committee, of which Dr. Edwin H. Lewis, of Burlington, Vermont, will be the chairman.

Prof. Dr. Moritz Benedikt, of Vienna, Austria, has announced his intention of contributing an open letter to this Congress, as he did to the London Congress of 1901.

RECEPTION AND ENTERTAINMENT.

These outlines seem to show the enormous labor that will devolve upon the officers of that Congress, and especially upon this Society, who will have to take the laboring oar in the work of the committee on reception and entertainment of our foreign visitors.

MEDICAL JURISPRUDENCE—QUESTIONS UNDER INVESTIGATION.

The subjects under investigation as announced last year, are still in charge of committees, and additional questions have been accepted by our executive officers and will be assigned to standing committees, the details of which will appear in our transastions, of which I shall allude to, a few only at this time.

It is more than probable that the enormous labors of the approaching Congress to be held in May, will divert and postpone to some extent the labors of the Select Committees on the subjects already referred to until later in the year, and perhaps until next autumn.

Death has cut down an unusually large number of our best names in the year that has passed.

Prof. Maschka, of Bohemia, I am informed by Prof. Dr. Morris Benedikt is no more. The details and sketch of his career will appear, I trust, later on.

Dr. Irving C. Rosse, of Washington,D.C.,one of our ablest neurologists and alienists has passed away, and appropriate action has been taken to his memory, as also Simon Sterne, of the New York bar; Judge David McAdam, of the Supreme Court of New York, who was one of the charter members of the society at its foundation; Ex-Medical Director Dr. Albert H. Gihon, who has for many years been identified with this society, and on whose life and career Dr. I. N. Love pronounced an eulogy at the January meeting.

The following are the present Honorary Members of this body:

Dr. Henry Maudsley, of London.
Prof. Dr. Brouardel, of Paris, France.
Prof. Dr. Krafft-Ebing, of Austria.
Hon. Noah Davis, of New York.
Prof. Dr. Rudolph Virchow, of Berlin.
Prof. Dr. Stanford E. Chaillee, of Louisiana.

Hon. Luther R. Marsh, of Middletown, N. Y.

I have the honor to recommend the election at this meeting as I assume the chair for the thirteenth time, the following gentlemen as Honorary members of this society.

Prof. Dr. Moritz Benedikt, of Vienna, one of the ablest of our colleagues in Vienna.

Prof. Dr. N. S. Davis, of Chicago, Ill., one of the most honored and able names among American physicians.

Judge Robert Earl, of Herkimer, N. Y., ex-Chief Justice New York Court of Appeals.

Prof. Dr. R. Ogden Doremus, ex-President of this society, and the nestor of American alienists.

Prof. Dr. Mierzejewski, of Russia, President of the Society of Psychiatry, of St. Petersburg, Russia.

Dr. A. Motet, Secretary Medico-Legal Society of France, and chairman of Section of Legal Medicine, Paris, Medical International Congress of 1900, of Paris, France.

Prof. Dr. Caesar Lombroso, of Italy, one of the most eminent criminologists of our time, for many years, a corresponding member of the society.

Prof. Dr. Charles H. Hughes, Editor of the Alienist and Neurologist, of St. Louis, Mo., and one of the foremost of American alienists.

A. N. Bell, the veteran editor of the Sanatarian, Honorary President of the American Congress of Tuberculosis.

Hon. Abraham R. Lawrence, who has sat upon the bench of the Supreme Court of the State of New York 28 years, and retired near the age limit on December 31, 1901.

Nicholas Senn, M. D., of Chicago, Surgeon General of the State of Illinois.

Pof. Dr. Axel Key, of Stockholm, Sweden, for years a corresponding member of this body, and one of the most eminent medical men in Sweden.

Judge L. A. Emery, a member of the Supreme Court of the State of Maine, who has for years been one of our active members and a devoted student of medical jurisprudence.

Members will recall that this is an honor which has been very rarely bestowed. We are under our constitution limited to name only twenty Honorary members. I submit as an appendix to this address, a list of the Honorary members of this

body, marking those with an asterisk who are deceased. Those now living are in the order of their appointment or selection:

I recommend that the constitution of the society be amended so that the word "twenty" be changed to "fifty" as the limit to our honorary membership.

The limitation in number was proper at the time of its adoption, but now that there are over fifteen hundred names on our various rolls of members; that the society has become national and international in character and labor; with many names of eminence in the professions of law, medicine, chemistry and science who are entitled to this high honor, and whom I desire to reccommend to you for this distinction, but am restrained by the constitution. I ask for its enlargement but I do not recommend lowering the high standard of excellence we have ever held for the position, and should prefer rather to elevate that than to lessen it in any degree.

During the past year we have lost by death 4; active members; by resignation, 5; members suspended for non-payment of dues, 2. New active members 56 have been elected, so that there was on January 1, 1902, 545 names on the the roll of active members. There are but seven names on the roll of honorary members.

On the roll of corresponding members 4 names have been vacated by death, and 20 have been elected. So that we have active members on January 1, 1902, 546 names; honorare members, 7, corresponding members, 568. Total 1120

Exclusive of members of Psychological Section..... 172
Section Medico-Legal Surgery..... 104

1396

Names on suspended list for non-payment of dues, about 360, making our total membership over 1700 names.

FINALLY.

The work devolving upon us in 1902 demands our greatest enthusaism, our highest energy and more personal sacrifice of time and unremunerative labor. I ask of the Fellows of the Society that splendid support that has so greatly encouraged me in the past, for the year before us,

THE CONFLICT WITH TUBERCULOSIS IN CENTRAL AND SOUTH AMERICA.

It is not understood how extended the war against tuberculosis is being waged throughout the civilized world. One of our ablest public men abroad, as minister from the Government of the United States to the Argentine Republic is the Hon. Wm. P. Lord, late Governor of Oregon.

Addressing him as to the condition of affairs in relation to tuberculosis in that distant part of our Western American Hemisphere, and to aid our labors by the ablest men of that Republic, we received the following letter which discloses the efforts made by our brethren of the Latin American race in the countries of Central and South America which brings to light some of the splendid work doing there. These leagues are invited to co-operate with our movement in New York next May in support of the American Congress of Tuberculosis. Each of these leagues will be invited to send delegates and its members to contribute papers to be read on that occasion, as well as in each of these countries will the Presidents be requested to name both delegates and representative men to co-operate with the labors of this great body.

This letter throws so much light that we give it to the press with the request that members of this league in those countries may know and understand that we shall be glad of their aid, co-operation and assistance in our Congress to be held in the city of New York, May 14, 15 and 16, 1902.

Minister Lord replies as follows:

Legation of the United States of America.
Buenos Ayres, November 23, 1901.

Dear Sir.—In relation to your letter of September 4th last, I was instructed by the Minister to investigate the subject and secure the names of several doctors interested in the struggle against tuberculosis. At the "Departamento Nacional de Higiene" I was referred to the League or Society which has been formed here, and called the "Liga Argentina contra la Tuberculosis." Through the Secretary

of this organization I secured an interview with one of its leading offices, who had also been its founder, and in a considerable talk with him I found out many facts in regard to the Society and its connections throughout South America, some of which may be of interest and help to the American Congress of Tuberculosis in its work.

At the second Latin-American Medical Congress held in Santiago de Chile last January, an international commission was formed to combat the spread of tuberculosis, and this league is now in full operation, having representatives from all the Central and South American countries and from Cuba. This Commission has recommended the formation of local leagues in each of the countries embraced by it, and at the present writing nearly all have organized societies of conformity therewith.

On the 11th of May last was organized in this city by Dr. Emilio R. Coni, of Buenos Ayres, the President of this International Commission, the "Liga Argentina contra la Tuberculosis." This "Liga" is under the patronage of the Minister of the Interior and has spacious offices in the building of the "Departamento Nacional de Higiene." It is a strong organization composed of leading members of the medical fraternity of Buenos Ayres, and has correspondents and branches in all the cities of the country. It seems to be very zealous in its work, and indications point that much good will come from its labors.

The Society issues a monthly publication, containing original articles on the methods of fighting the dread disease, etc., extracts from papers and proceedings of like Societies throughout the world, and reports from the various countries included in the parent Latin-American organization. At present 2,000 copies are printed every month, and these are distributed gratuitously where they will do the most good. Every school, public and private, receives a copy, as do all the physicians of the city. Dr. Coni tells me that the number of copies will soon be increased and it is hoped to make this magazine or "revista," a powerful weapon of propaganda.

The league has also composed and printed a large poster entitled "Instruciones Populares sobre la Tuberculosis" (Popular Instructions Regarding Tuberculosis), which by order of the municipality is to be fixed to the walls of all schools, railway stations and lodging houses throughout the capital. Owing to its labors, the municipality has decided to place the latest model hygienic and disinfected cuspidors in all railway stations and similar public places throughout its jurisdiction. It has at this moment a number of other sanitary and preventative measures before the authorities, and it is easily seen that this league, together with its connections throughout the whole of Latin America, is doing a noble work and deserves at least respectful recognition.

Dr. Coni showed great interest in the American Congress of Tuberculosis and expressed a great desire to enter into communication with that body. He gave me a complete set of the "Revista de la Tuberculosis," which I forward to you under separate cover, as well as copies of the poster, which I said above was to be affixed in various places where people congregate and sanitary arrangements are apt to be bad. He promised to forward regularly to the American organization the "Revista," monthly as it appears, and voiced the hope that your Society would in return furnish the "Liga Argentina" with any periodicals or printed matter which it may issue from time to time.

Further particulars and details of the work of the "Liga Argentina" and of the "Comision Internacional" may be gathered from the publications forwarded to you, and the state of the disease in

this country and necessity for action from the book "La Tuberculos dans la Republique Argentine," written by the President of the League, and which is also forwarded.

In view of the facts stated above, I would recommend you to communicate with the "Liga" as an oganization, rather than with any of the officers as individuals; but that, of course, is a matter for your discretion. I can say though that I have no doubt all of the gentlemen composing the "Comicion," or Board of Managers, would be glad to ally themselves with the American Congress of Tuberculosis, and I suggest herewith the names of three of the leading physicians interested who would, I feel, make worthy Vice Presidents of your organization:—

Dr. Emilio R. Coni, Calle Lavalle No. 859, President of the International Commission.

Dr. Samuel Gache, Calle Corrientes No. 729, President of the "Liga Argentina."

Dr. Francisco de Veyga, Calle Lavalle No. 859, Secretary of the "Liga Argentina."

I am, dear sir, very truly yours,

(Signed) CLARENCE L. THURSTON,
Secretary of Legation.

Clark Bell, Esq., Secretary American Congress of Tuberculosis, 39 Broadway, New York City, U. S. A.

SPIRITISM, HYPNOTISM, TELEPATHY AND MRS. LEONORA E. PIPER.

BY CLARK BELL, ESQ., LL. D., OF NEW YORK CITY.

The publication in the New York Sunday Herald of October 20th, 1901, of an extended written statement made by Mrs. Leonora E. Piper regarding her relation to the Society for Psychical Research and particularly declaring that in her relation to that body as a medium for so many years, she was of the opinion that the phenomena, so far as she could understand it, was due to causes allied to telepathy and hypnotism rather than to the influence of the so-called spirits of deceased persons; created a lively interest and deep feeling among the students of psychology and modern spiritism, to the study of which many members of the Psychological Section of the Medico-Legal Society had devoted much attention.

The scientific world had regarded the labors of the Society of Psychical Research on both sides the Atlantic with deep interest, and the persistency and courage, with which this body had pursued its labors, the character and high standing of the men, who had its work in charge, and the fairness, which had characterized its work and publications, had given great prominence to the evidence it had collected and published on many subjects. As a body the Society of Psychical Research was not understood to have accepted the phenomena, known as modern spiritualism, and while it was known that many who had such opinions were on its roll of membership, it was in the early days, at least, not regarded other than a purely scientific body, without any avowed opinions on these subjects, courageously pursuing the study along scientific lines of all the phenomena, and under favorable conditions and by impartial and unprejudiced observers.

Additional interest had been aroused in its work, from the fact, that Dr. Hodgson, who had the work of the society in charge in Boston, and Prof. Hyslop, of Columbia University,

Read at February session Medico-Legal Society in joint session with the Psychological Section of that body.

CLARK BELL, ESQ., LL. D.,
OF NEW YORK,
President Medico-Legal Society of New York,
Secretary and Treasurer of the American Congress of Tuberculosis.

as the result of their studies and investigation, both recently,publicly embraced the spiritistic view as to the phenomena which had been conducted through Mrs. Leonora E. Piper, the medium who had been employed by the Society of Psychical Research for many years, and whose integrity and honesty had been quite generally accepted by all with whom she had come in contact.

The statement made by Mrs. Piper in the Herald, created a very extraordinary excited state of feeling, and a high pubilc interest was at once developed in the public mind.

I thought it wise and proper to bring the subject before the Psychological Section of the Medico-Legal Society for discussion.

At the December meeting, 1901, the discussion was opened by Thomson Jay Hudson, on my invitation, who contributed the opening paper, which was followed by contributions from Judge Abraham H. Dailey, Dr. John Duncan Quackenboss, Clark Bell, Esq., Hon. Luther R. Marsh, H. C. Wright, Esq., some of whom were only read by title, on account of the time at disposal, and the whole subject made a special order for discussion at the February meeting of the Medico-Legal Society in joint session with the Psychological Section.

It was deemed advisable, that the several contributions, should be printed in the form of a brochure, and the whole furnished as a volume, upon the subjects which the discussion involve. And that the language used by Mrs. Leonora E. Piper in the statement, published in her statement as published in the New York Herald, be carefully stated, so as to make the subject of discussion more exact I give the language of Mrs. Piper which was as follows:

"*I am inclined to accept the telepathic explanation of all of the so called pyschic phenomena, but beyond this I remain a student with the rest of the world.* * * * * * *

"*I must truthfully say that I do not believe that spirits of the dead have spoken through me when I have been in the trance state, as investigated by scientific men of Boston and Cambridge, and those of the English Physical Research Society, when I was taken to England to be studied. It may be that they have, but I do not affirm it.*"

"The world knows that among scientific men the opinions on psychic phenomena are many and varied. I have always

maintained that these phenomena could be explained in other ways than by the intervention of disembodied spirit forces.

"The theory of telepathy strongly appeals to me, as the most plausible and genuinely scientific solution of the problem. To strengthen this opinion are many authentic experiences which have been satisfactorily explained by means of the telepathic hypothesis.

[In the reprint where quotations are used from her letter or the opinions of men of science, the Journal will be named and credit given for all abstracts. Thanks are due the New York Herald and Ainslee's Magazine for courtesies in allowing extracts to be made from their publication and to Harper's Magazine for similar courtesy in the article contributed by Prof. John Duncan Quackenbos to the Medico-Legal Society.]

THOMSON JAY HUDSON PH. D., LL. D.

SPIRITISM AND MRS. LEONORA E. PIPER.

BY THOMSON JAY HUDSON, PH. D., LL. D.,
Author of "The Law of Psychic Phenomena," etc.

In constructing a title for this paper, I have not been impelled to use the name of Mrs. Piper because I imagine that her recent statement in the New York Herald has settled the question of spiritism adversely to the claims of that cultus. I have not so high an estimate of the value of her opinion. Nor do I agree with her spiritistic enemies in holding that her opinion is valueless because of the amnesia incident to trance. This, at most, would place her on a level with outsiders,—and this is their contention. It must be remembered, however, that not only was Mrs. Piper present at all her seances, but that she had the benefit of subsequent discussions of her phenomena by the able savants who had her in charge, and that she must have read their subsequent reports with much more than ordinary interest and intelligence. Moreover, we must not forget that she has been subjected, on two hemispheres, and during nearly a score of years, to a key-hole espionage by the ablest detectives of the London Society for Psychical Research; and that she has emerged triumphant, both at home and abroad,—not a shadow of a suspicion resting upon her character in any relation of life. Testimonials to this effect from all the leading members of the Society for Psychical Research have been numerous and voluminous, and almost hysterical in their insistence; so that she stands before the public to-day, secure in the possession of the highest possible credentials in proof of her absolute honesty, integrity and purity. It is also in evidence that she is liberally endowed with that rarest of all mental attributes—common sense—the inseparable concomitant of the cardinal virtues. It is idle to say that the opinion of a woman thus endowed, and thus fortified by all that

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gives sanction to human testimony, and who necessarily knows more than any one else can know of the workings of her own inner consciousness, is not of greater value than the opinion of an outsider.

Nevertheless, as before remarked,her opinion does not settle the question; and in this respect she remains on a par with all who have opinions on the subject. It is not, therefore, because of her interpretation of her own phenomena that I use her name; but because the investigation of those phenomena by the Society of Psychical Research marks an epoch in the history of Spiritism. It is of that investigation that that I propose to offer a few remarks. In doing so I shall not attempt an exhaustive criticism of the methods of investigation employed by the members of that society. I shall merely attempt to point out briefly what I conceive to be the proper method of studying the phenomena in the light of their latest reports detailing the proceedings at the Piper seances.

Never before in the history of the scientific investigation of modern spiritism have the conditions been so favorable for the production of decisive results, one way or the other, as in this case. An ideal "medium," mentally, morally and psychically considered, is conceeded,—nay, strenuously insisted upon,—by all the investigators. She has been absolutely under their control during a long series of years, and necessarily free from the adverse influence of the Philistines. That the investigators are also all that can be desired will be as freely conceeded. They are all gentlemen of great ability, uncompromising integrity and vast learning. Best and most important of all, they have a thoroughly logical appreciation of what it is necessary to prove in order to establish the claims of spiritism. That is to say, they know that the one thing needful is proof of personal identity on the part of the *soi disant* "spirits" who "communicate." In this all-important attitude they stand in violent contrast to that long line of so-called "scientific investigators," on either side of the question, who have imagined, on the one hand, that the essential claims of spiritism can be established by verifying the physical phenomena; and, on the other hand, that those claims can be disproved by catching a trickster in the act of simulating psychical phenomena by legerdemain. In other words, they know that the purely physical phenomena of

spiritism possess not the slightest evidential value, pending the settlement of the all-inclusive question of personal identity. They know, for instance, that if a piano should be levitated to the ceiling without physical contact or mechanical appliances, and all the rest of the household furniture should go into convulsions, the question would still remain whether the energy displayed proceeded from discarnate spirits, or was due to the "psychic force" (Crookes) of the medium. Hence they have wisely determined to ignore all physical phenomena, and to confine their attention to such mediums as Mrs. Piper, through whom, according to the spiritistic hypothesis, spirits can establish their identity by direct conversation with the sitter.

It is but simple justice to the British members of the S. P. R. to say that to them the credit is due for thus divesting the subject of all those irrelevant side issues which have heretofore served but to obscure the real question. It is, however, with a glow of patriotic pride that we recall the fact that they were compelled to come to this country for an honest medium, and to draw upon our universities for a man capable of conducting a spritistic propaganda in the highest style of the art. It is but a matter of common justice to say that Professor Hyslop is the ablest psychical researcher who has yet attempted a personal investigation of the Piper phenomena. He is the peer of the best in scholastic attainments; he is Professor of Logic in Columbia University; his honesty is transparent, and the report of his investigations covers 649 pages of the Proceedings of the Society for Psychical Research.

If therefore, he has failed to make a case for spiritism, one never can be made this side of the borderland; for there probably can never again be assembled under one roof such a combination of favorable conditions and instrumentalities. If there was an unsound element in the combination it did not reside with the medium, nor in the character or ability or attainments of the investigator. Nor do I see the slightest reason for distrusting his statements of fact. His deficiencies, therefore, if any are to be found, must be either in logic, or in the propaedeutics of psychic science, or in both.

The discussion of the subject will be conducted under two heads: 1, The issue that Professor Hyslop has defined; and 2, The issue that Prof. Hyslop has ignored.

Referring at large to the phenomena detailed in his report, Professor Hyslop says:

"The issue that is presented here is simply whether spiritism, or telepathy from living persons exclusively, is the more rational hypothesis to account for the facts."

It will thus be seen that the learned professor of logic assumes at the outset that the two hypotheses stand on an equal footing, thus forgetting for the moment the logical axiom that supermundane causes must never be assigned to phenomena so long as they or their cognates are explicable by reference to known natural causes.

To hold spiritism strictly to this rule, however, would be to end the discussion before it begins. for all admit that the "great bulk" (Myers) of the supernormally acquired knowledge of mediums is due to telepathy. It would, therefore, require demonstrative proof to overcome the logical implication that all such knowledge is not thus acquired; just as it would require the production and public exhibition of a "white crow" (James) to prove that crows are not all black. It would, however, require but one white crow for that purpose, and it would require but one demonstrated case of survival of personal consciousness after the death of the body to prove the essential claim of spiritism—a future life. But this one case has not yet been produced, and Prof. Hyslop is frank enough to admit that he has demonstrated nothing. (See note on p. 4 of his report.) The issue, therefore, as he has defined it, is conservative and legitimate.

To prepare one for an intelligent discussion of the question whether spiritism or telepathy is the more rational hypothesis to account for the phenomena produced by Mrs. Piper, it would seem that the essential prerequisite would be a knowledge (1) of the facilities and the difficulties, real or supposed, incident to communicating with spirits of the dead, and (2) of the methods, powers and limitations of telepathic communication between living persons. Unfortunately we can know nothing of the former except what spiritists to tell us; and their stories are so contradictory that it is impossible for the layman to assign any certain limits to the difficulties or to the facilities. Thus, the old spiritists tell us that communication is always easy, providing we have a good medium and a harmonious environment. The late Prof. Hare, for instance, found no difficulty whatever in organizing

a "convocation of spirits" of the ablest dead men he could think of, who cheerfully submitted to a prolonged catechism. To say that Prof. Hare learned from that "convocation," and others equally well posted, all that was worth knowing about the spirit land and other things, would be to unduly limit the scope of the acquired information. Judge Edmunds was equally fortunate in obtaining authentic information, not only of the geography and topography of the spirit land, but of its current philosophy; whilst Andrew Jackson Davis succeeded, without apparent effort, in tapping the philosophers of all the ages for material for upwards of thirty volumes of most remarkable literature. Thousands of others were equally fortunate in obtaining access to the inhabitants of all the spheres. Nor were the spirits themselves in the habit of complaining of lack of facilities, even when a Daniel Webster addressed his sitters in the language of a stevedore; or Noah Webster spelled Jehovah with a little g, or Lindley Murray split his infinitives into kindling-wood. The enemy might blaspheme, and to do them entire justice they did, but the spirits themselves were oblivious to all such degenerative implications. They did not complain of difficulties of communication, nor of the failure of "light," nor of infirmities due to their last illness of the body, nor of the failure of memory, nor of any of the multiform infirmities which afflict Mrs. Piper's familiar spirits when submitting to a scientific examination. It is true that there were occasional lapses of memory, as when Socrates forgot that he had been a Greek philosopher, and "thee'd" and "thou'd" like a Quaker when proudly recalling his career as a Roman Senator. This lapse, however, was afterwards explained by an erudite spiritist by saying that those "old fellows" have been dead so long that they have forgotten the "unimportant particulars" of their earthly lives. Satisfactory as this explanation is to spiritists, it does not explain the amnesia of another spirit at the same sitting who had forgotten his own middle name within a year after entering the spirit land. Nor does it explain the prompt response of "Cantharides, the Greek philosopher," when that coleopterous "personality" was summoned by a waggish Philistine. That, however, was easily explained by the statement that there are always spirits present at seances who delight in serving the cause of Truth by promptly "meeting fraud with fraud." In the logic of spiritism this

formula has always occupied a foremost place, and it still performs yeoman's service whenever a fictitious personage responds with alacrity to a summons.

But then, as now, there were mediums and mediums. Some were ignorant, and others were educated. Some of them were destitute of the ability to acquire information by supernormal means; whilst others could at times correctly name the strangers present at their seances, and describe and name a long list of their friends, living or dead. At other times the same mediums would fail miserably. In a word, the same diversity of mediumistic powers prevailed then, as now; the same "harmonious conditions" were requisite; and supernormally acquired knowledge on the part of mediums was even more common than it is to-day. But there was one significant circumstance connected with early mediumship that does not prevail at this time; and that is that modern spiritism found a host of ready trained psychics in the mesmeric subjects of that epoch. Mesmerism was at the zenith of its popularity, mesmeric subjects were numerous, and under mesmeric methods telepathic powers were easily developed, and the exhibition of those powers was commonly the *piece de resistance* of the stage curriculum. But the significant part of it was that, not only was every mesmeric subject found to be a good medium, but the best of the mediums, that is to say, those who could demonstrate their possession of knowledge supernormally acquired, were for a long time drawn almost exclusively from those whose telepathic powers had been previously developed by mesmeric methods. This fact was noted at the time by the opponents of spiritism, and telepathy was thus shown to afford an easy explanation of all supernormally acquired information. Indeed, Dr. Dods, a noted mesmerist of that day, paralleled every phase of that class of spiritistic phenomena by the employment of mesmeric psychics and processes. With Dr. Dods it was but the a b c of mesmerism to develop telepathic powers in his subjects so perfectly that they could correctly describe events wholly unknown to the psychic or to any other person present. And this is all that the best mediums can ever do. It is all that spiritists claim can be done in proof of personal identity. It is true that in experimental telepathy the "dramatic play of personality" is necessarily lacking. Of this "dramatic play" Prof. Hyslop discourses exhaustively, seem-

ingly oblivious of the fact that trance subjects are dominated by the inexhorable law of suggestion; and that any suggested character will always be dramatically personated, and with marvelous fidelity to the original,be it a dog or a philosopher, a spirit of health or a goblin damned.

This, however, is a digression. The point I wish remembered is that the alleged difficulties of communication by spirits seem to be widely variant; and that the facility in each case appears to be proportioned, not to the mental capacity of the spirit, but to the psychic powers of the medium. This, to say the least, is not what one would naturally expect, if the communications are from spirits. But we know that if the phenomena are to be explained by telepathy, the psychic powers of the medium must necessarily be the measure of limitation.

But, as before remarked, it is impossible to know what are the difficulties which beset communicators from other worlds than ours. One thing, however, appears to be beyond question, if we are to accept the testimony of spiritists. and that is that the spirits are as voluble as fishwives when they tell us something that can neither be verified nor disproved; but when subjected to anything like a scientific investigation their volubility is succeeded by a remarkable want of facility of clear and unequivocal expression, and they are troubled by a constantly recurring failure of "light." At critical moments their memory fails them, and they forget their own names and those of their nearest relatives. At other times, however, they have lucid intervals, the light is clear, and they can give names and dates with great facility, besides giving information that neither the psychic nor the sitters could have previously obtained through sensory channels.

These are some of the salient features of the limitation and of the power displayed by Mrs. Piper's spirits for the benefit of science and Professor Hyslop. And it must not be forgotten in this connection that special facilities were provided in his case for easy, free, and unlimited communication, without reference to the infirmities that might happen to afflict the particular spirits called for. To that end two great spirits were imported from England to act as amanuenses and advisors generally. They were specially well qualified by experience, having already acquired an international reputation by acting in the capacity of Familiars of the late W. Stainton

Moses. They were good, and wise, and great; and their names, respectively, were "Imperator" and "Rector,"—names well calculated to impress. That they were good is evidenced by their uniformly pious language and deportment. That were wise is shown by their refusal to reveal their own identity. That they were great is demonstrated by the fact that they had, before emigrating to America, evolved a system of spiritistic philosophy that converted an English orthodox clergyman from the error of his ways.

Manifestly the performance of such a feat must have required unlimited facilities for communication, plenty of light, a retentive memory, and an unfailing vocabulary. And it is in evidence that they had all these, and much more, under the mediumship of Stainton Moses. But it was all in violent contrast with the paralytic conditions prevailing under the Piper-Hyslop regime. I think that spiritists will agree with me that the contrast is due to variant mediumistic powers, rather than to varying facilities for knowing things, and communicating them, on the part of the same spirits. If, then, it is due to the variant psychic powers of the mediums, I have a right to assume, provisionally, at least, that the limitations, always most in evidence when personal identity is in question, are the limitations of telepathy between living persons.

This leads us to the second branch of our inquiry, namely, as to "the methods, powers and limitations of telepathic communications between living persons."

As I promised merely to suggest in this paper the proper method of studying Prof. Hyslop's report from a scientific standpoint, I shall, in pursuing this branch of the inquiry, cite but a few illustrative examples showing that the successes and the failures of his alleged "communicators" were just such as are incident to telepathic communications.

The following propositions are too well authenticated and understood by all intelligent psychical researchers to require proofs to sustain them:

(1) Telepathy is a power belonging exclusively to the subjective mind, or the "subliminal self," as it is frequently designated by the S. P. R. That is to say, the objective mind, or "supraliminal self," which is the mind of ordinary waking consciousness, is not necessarily aware of the content of the subjective mind. Hence the phenomenon of "latent

memory," as Sir William Hamilton designated it may years ago. That is, knowledge once acquired may remain latent in the subjective mind for an indefinite period. It may, however, be elevated above the threshold of normal consciousness in many ways, as by automatic writing, etc., or it may be reached by telepathy.

(2) Telepathic powers are best developed under abnormal conditions, as in trance, or in spontaneous or induced somnambulism.

(3) These powers vary in efficiency with different psychics, and in the same psychic they vary at different times, and under varying conditions which are not yet clearly defined.

(4) Rapport is, of course, always necessary; but the essential conditions of rapport are not yet clearly understood. It is known, however, that relatives and friends are either actually or potentially en rapport at all times.

These fundamental facts will not be disputed; and when they are considered in connection with the prodigious—if not perfect,—memory of the subjective mind, it will be seen that no limits can at present be assigned to the potentialities of telepathy. Its limitations, however, are more clearly defined and understood. Hence it is that, one who is acquainted with those limitations and their proximate causes, is better qualified to account for the failures of telepathy than any one can be to assign limits to its potentialities. But it so happens that even a knowledge of the causes of failure is of great value in enabling one to know to what class a particular phenomenon belongs.

The fundamental difficulty in telepathic communication consists in the fact that the power is not adapted to practical mundane uses. It seems,in fact,to be a means of communicating thoughts especially adapted to a disembodied existence; for it is never available here except under abnormal conditions. Even under the most favorable conditions the thoughts communicated must be interpreted, so to speak, in terms of our sensory experience. That is to say, the percipient must be caused to see something (visions) or hear something (clairaudience) that will enable her to grasp the idea sought to be communicated.

It will at once be seen that the inherent difficulties of telepathic communication are great, and in the conveyance of abstract ideas they are practically insuperable. It is true

that if a psychic is clairaudient, and conditions are perfect, much may be conveyed in words. But clairaudience is a rare faculty, and perfect conditions hard to obtain; and when obtained they rarely last long enough for purposes of scientific investigation. We may, therefore, confine our attention to the most common methods of communicating telepathic information, which is by causing the percipient to see visions that convey the idea. I shall do this, not only because it is the most common method, but because it is, all things considered, the best that has yet been devised; and for further reason that it is evidently the one employed in the Piper seances.

It is obvious that intelligence communicated by means of visions must be extremely limited in scope and subject-matter. It is, in fact, just that kind of information that can be conveyed, in objective life, by a series of pictures; or, at best, by pantomime. Anything, therefore, that can be told by a picture, as for instance, a tragedy, can be very clearly reproduced by a good psychic, under good conditions. But abstract ideas cannot be thus represented. Symbolical visions, it is true, may sometimes convey such intelligence to a very limited extent; but its limitations are obvious. Again, under favorable conditions a vision may be very distinct; but those conditions are subject to frequent changes, and for no assignable cause; so that at one moment a psychic may be very lucid, and at the next be groping in the "dark.' This literally describes the situation when conditions fail;for telepathic visions, when the psychic's eyes are closed, come out of the darkness, with varying brilliancy, when conditions are favorable; and fade into it again, with varying indistinctness, when conditions fail. In a word, the lucidity of a telepathist is proportioned to the clearness of her visions; and the clearest of them are often evavescent, unstable, and "variable as the shade." Mrs. Piper's *soi disant* spirits, therefore, described an actual want, in literal terms, when they so often complained of the failure of "light." Again, it frequently happens that the fault is not in the psychic so much as in the sitter; for the clearness of a telepathic vision depends largely upon the power of visualization possessed by the subjective mind of the agent or sitter. This power varies in intensity in different individuals; and in the same person it fluctuates within very wide limits. The reasons for this are not yet

clearly understood; but it seems to depend upon the passivity of the individual. Hence it is that trained psychics make the best sitters or agents; for they are habitually passive at seances, and their subjective minds are habitually active,—and that mind is the source of all information in telepathy. On the other hand, a novice often defeats the object of a seance by his over-anxiety, or want of passivity, to say nothing of his lack of subliminal training.

It should be here noted that telepathic messages cognized clairaudiently are subject to the same limitations of power and fluctuations of conditions. That is to say, a clairaudient psychic does not always hear clearly, any more than does a clairvoyant psychic always see clearly. Hence it happens that it either case, when conditions are imperfect or fluctuating, proper names are difficult to perceive. Some psychics, however, are both clairaudient and clairvoyant, to a limited extent, and thus have two strings to their bow. But even they are subject to the same uncertain conditions and limitations, and hence cannot always be certain of proper names; or, for that matter, of anything else. I mention proper names particularly because the failures in cognizing them, by even the best of psychics, are frequent in so-called spirit intercourse as well as in experimental telepathy, and presumably for thesame reasons.

One important fact remains to be noted, and that is that proper names, and sometimes other words, and even short sentences, are telepathically conveyed to clairvoyant psychics by means of visions of printed or written words, projected into the field of psychic vision. Obviously, the foregoing remarks relating to the varying conditions of telepathic lucidity, apply with peculiar force to phantasmic representations of words or phrases, and especially of proper names.

I have now stated a few of the salient powers and limitations of telepathy with especial reference to the difficulties habitually encountered in communicating intelligence by that means. They are among the propaedeutics of psychic science, without an understanding of which it is impossible to either appreciate the potentialities of telepathy, or to intelligently assign causes for its multiform failures and limitations. With an understanding of them we can at least judge, with proximate certainty, in any correctly reported case, whether the difficulties encountered are such as are

incident to telepathy. If we find that they are, we have a right to assume telepathy to be the true explanation of the mysteries, at least until it is definitely shown to be either inadequate, or impossible, or both. Professor Hyslop has essayed the task of proving that it is both inadequate and impossible; but to do so he assumes the existence of difficulties that do not exist except in his imagination, as I shall attempt to show in its proper place.

First, however, I desire to suggest the proper method of analysing his report by citing a few illustrative examples, taken at random, showing beyond a reasonable doubt that telepathy affords an explanation of all the phenomena he describes. In doing so I shall assume, provisionally, that all the supernormally acquired information possessed by the medium existed, latent, in the subjective mind of the sitter. How so much of it got there is a question second to none in importance; but it must be deferred for the moment.

The first point to which I wish to invite attention relates to proper names. Those who have read the report (S. P. R. Proc. part XLI. Vol. XVI.) will remember the constant alternation of lucidity and amnesia on the part of somebody, —spirits or Mrs. Piper's subliminal—when the names of alleged communicators were called for. Often the name would be given with gratifying promptitude; but at other times—when the "light" failed—there would be groping, guess-work, "fishing" for clues, and sometimes total failure, followed by very voluble explanations that did not explain. Time and space forbids the citation of special examples; but they confront us almost everywhere in the report. Prof. Hyslop tells us that it is all due to the limitations of spirit power, first to remember the simplest facts of mundane experience, and, secondly,to communicate that knowledge through the best of mediums. Of these limitations we can know nothing, of course, except what Prof. Hyslop tells us. But, how does he know? He also informs us that the trouble is not due to the limitations of telepathy, because telepathy has no limitations. That is to say, he holds that the phenomena in question cannot be due to telepathy if telepathic knowledge is not "infinite," or "omniscient,"—which is a very easy,if not a logical, way of disposing of a difficulty. Of this, later on.

Nevertheless, anyone who knows anything at all of telepathy is aware that it is hedged about by just such difficulties

in regard to names as were encountered in the Piper-Hyslop seances. Moreover, to suppose that those difficulties were due to the mental status of the spirits themselves, involves implications of degeneracy not warranted by current spritistic philosophy.

Again, there are many other phenomena detailed in the report which point clearly,—almost demonstrably,—to telepathy; as, for instance, when the medium—or the *soi disant* spirit—undertook to state the disease of which he, or someone else, died. In one instance it was incorrectly stated as typhoid fever; and in another it was correctly stated as throat disease. Obviously, typhoid fever could not well be represented by a phantasm. but a sore throat could be easily represented by a vision of a person with a bandaged throat.

Much stress has been laid upon the fact that a certain jack-knife, belonging to Prof. Hyslop's father, was correctly described, together with some of the uses for which it was employed during its late owner's lifetime, such as paring his nails, etc. I submit that it is not difficult to imagine the projection of a phantasmic jack-knife upon Mrs. Piper's field of psychic vision; nor would it seem to be difficult to guess at some of its uses, even without the aid of a phantasm.

Again,much of evidential value is attached,by Prof. Hyslop, to the fact that Mrs. Piper correctly described a skull-cap once worn by his father; but the name of the person with whom it was left was difficult to obtain. This very clearly illustrates the foregoing remarks relating to the comparative difficulty in obtaining names by telepathy.

I might cite many more examples of a similar character,—but time and space forbid. But they will serve to suggest to the student the proper method of analyzing the Piper phenomena as reported by Prof. Hyslop. All that is necessary is to bear in mind the methods of telepathy and its consequent limitations. When this rule is intelligently observed there will be found no difficulty in the telepathic explanation of all that seems so mysterious to Professor Hyslop.

As before remarked, I have thus far assumed that all the supernormally acquired knowledge of which Mrs. Piper was possessed, was not only obtained telepathically, but that it was obtained directly from the subjective mind of Professor Hyslop. This the learned Doctor would strenuously deny, on the ground that the great bulk of the information upon

which he relies to prove his case for spiritism, was never known to him before he obtained it from Mrs. Piper,—but was, however, subsequently verified. And I freely admit that neither Professor Hyslop nor any other person present at the Piper-Hyslop seances was ever in conscious possession of any of the facts revealed by the trance personality of the medium, prior to the date of the seances.

The question now arises,—and this is the crucial question for spiritism,—how did Mrs. Piper obtain that wonderful fund of information which she so haltingly gave out at those famous seances?

Before attempting to answer this question from my own point of view I will state the position of Professor Hyslop.

To do entire justice to the intelligence of the learned Professor, he does not seriously deny the fact of the existence of telepathy as a possible factor in some cases. On the other hand, however, he holds that spiritism is the preferable hypothesis for the explanation of the Piper phenomena, for the reason that the telepathic theory necessarily presupposes "infinite knowledge" on the part of the psychic. It is, therefore, in his mind, "spiritism against omniscience," (page 134). No wonder that he "halts" on page 133,and becomes "suspicious" on page 136, and actually "gasps" on the same page "at the magnitude of the theories that are invented to sustain the case against spiritism." And well may skeptical science also "gasp," not to say, "throw up the sponge," if it has at last come to pass that the hypothesis of superstition can be disproved by no other argument than one that is based upon the presupposition that Mrs. Piper is "omniscient."

To do Professor Hyslop justice it must be said that he did not invent the theory. That he believes it, or thinks he does, is evinced by his constant reiteration of it; but he manages to throw the blame of it upon Dr. Hodgson. (p. 157.) In defense of Dr. Hodgson it should be stated that he is not wholly responsible; for Dr. Bovee Dods, in one of his lectures, gave utterance to a similar extravagance when undertaking to account for the supernormally acquired knowledge of his mesmeric subjects. (See his lectures on spiritism, pp 83-4). To his credit be it said, however, that his extravagant notions did not extend to implications of omniscience; and in further extenuation it must be remembered that he wrote fifty years ago, and knew nothing of the later development of

experimental psychology. Nevertheless, he did develop telepathy in his subjects to such an extent that they came into possession of knowledge of facts not previously known to any one present. But, how to account for the fact, he knew neither more nor less than do the ablest spiritists of the S. P. R. spiritistic propaganda. He did know, however, that spirits of the dead had nothing to do with it.

The question now is, is it necessary to suppose that Mrs. Piper was possessed of "infinite knowledge" in order to account for her possession of information not previously existent in the normal consciousness of any one present? Is it necessary to suppose that she is either actually or potentially in communication with the "whole Universe of intelligence" in order to account for the facts? Is it even necessary to suppose that she was in telepathic communication with any one on earth, or in Heaven above, besides Professor Hyslop? I think not.

It seems to me that it is only necessary to suppose that Professor Hyslop was *en rapport* with the members of his own family, in order to account for his possession, subliminally, of all the knowledge that was in evidence at the Piper seances. Certainly there is nothing in the history of telepathic investigation to negative this proposition. Indeed, it may be confidentially asserted that if observation and experience teaches us anything at all in reference to that mysterious power, it is that relatives and friends are always en rapport, and that they are always either actually or potentially, in communication. This is, perhaps, the most important induction possible in the case, and it certainly makes for the telepathic theory; for all of the "communicators," of evidential importance, were relatives of the sitter. But as yet we know little of the power of telepathic acquisition of knowledge; but all that we do know goes to show that it is enormous. The limitations apparently pertain wholly to the power of communicating the acquired intelligence, as I have already shown. It is also known that the great bulk of subliminal intelligence remains latent, indefinitely, and is never, except under abnormal conditions, elevated above the threshold of normal consciousness. It is also in evidence that subliminal memory is prodigious,—potentially, if not actually, perfect; so that what once enters that storehouse of memory is always available under favorable conditions.

These are a few of the inductions of modern psychological science pertinent in this case; and it cannot be successfully controverted that they afford a full explanation of the fact that the knowledge which Mrs. Piper obtained existed in the subjective mind of her sitter. I submit that it is a far call between "omniscience" and the conclusions derivable from the fundamental facts of psychic science.

The only question now remaining is whether the knowledge which, presumably, was thus telepathically acquired, was conveyed by the same means to Mrs. Piper's subliminal consciousness.

This is the issue which Professor Hyslop has seen fit to utterly ignore. And yet it is really the only pertinent issue in the case. To reduce it to its lowest terms, it is this:

Can information, telepathically acquired, be telepathically transmitted to a third person?

If it can, spiritism, considered as a scientific proposition, has not a leg to stand upon; for not a case has yet been recorded that cannot be telepathically explained if that simple proposition is true. There may be cases where the chain of telepathic transmission is difficult to trace. But so momentous a propsition as spiritism embraces cannot be logically sustained by an occasional failure of positive evidence against it. There are no logical presumptions in favor of a supermundane explanation of any phenomenon whatever. Indeed, the presumptions are all against it, even in the absence of evidence to disprove it; and when, as in this case, the great bulk of cognate phenomena are explicable by reference to known mundane causes,all supermundane hypotheses are summarily ejected from the court of logical inquiry.

The question, then, recurs,—"can telepathically acquired information be telepathically transmitted to a third person?" My proposition is this: A message transmitted from A to B, by any means of communicating human intelligence, can be transmitted, conditions being equal, from B to C by the same means.

If not, why not?

This is a very simple proposition, and its truth is self-evident. It is what Herbert Spencer wold denominate a "universal postulate;" for "its opposite is inconceivable"—unthinkable. Besides, it has been demonstrated, again and again, by

experimental telepathy, that telepathy by three, or as the French call it, "*telepathie a trois*," is not only a possible, but a very common, phenomenon.

There is nothing left, therefore, for spiritism to do but to deny a self-evident proposition. for, if it is true, the telepathic hypothesis covers, not only every case cited by Professor Hyslop, but every case within the range of human conception.

In conclusion, I beg leave to say one word to both the friends and the foes of spiritism, in commendation of Professor Hyslop's report. The former will find it to be the ablest effort yet made to give spiritism a scientific status. If he has failed it is not for lack of zeal or ability. The latter will find in it a transparently honest report of the details of each seance. This is all that science can ask of a reporter of phenomena. It will take care of its own conclusions. If the internal evidence of the report overwhelmingly defeats the object of his argument, Professor Hyslop has not concealed the fact. Considered from any point of view—as a literary production, as a defense of spiritism, as an honest report of facts, or as an effort to obscure the vital issues involved, it is the ablest spiritistic document extant.

THE MUTUAL RELATIONSHIP IN HYPNOTISM, AND ITS BEARING ON TELEPATHIC AND SPIRITISTIC COMMUNICATION.

BY DR. JOHN DUNCAN QUACKENBOS, OF NEW YORK CITY.

Mr. Chairman, Members of the Medico-Legal Society—Section on Psychology:

You have asked me, through your honored President, Dr. Clark Bell, to express an opinion this evening regarding the nature of the communications reported in the proceedings of the Society for Psychical Research (Part XLI.) as having been received by Professor James H. Hyslop, of Columbia University, from Mrs. Piper, the spiritistic medium. It has occurred to me that an appropriate prelude to the inference which I shall draw might consist in a statement of the relationship apprehended by me to exist between the mind of an hypnotic operator and the subjective personality of the individual operated upon, through which relationship the minds in rapport are obnoxious to mutual impression. The conclusions which I have reached along this line of reciprocal communication are derived from some two thousand several experiences with hypnotized patients. These subjects sought my aid for almost every conceivable malady, mental and moral; some for ethico-spiritual, many for literary or dramatic inspiration. I have thus been brought into closest touch with the human soul, first objectively; subsequently, in the realm of subliminal life, where, practically liberated in the hypnotic slumber from its entanglement with a perishable body it has been open to approach by the objective mind in which it elected to confide, dynamically absorptive of creative stimulation by that mind, and lavish in dispensing to the personality in rapport the suddenly apprehended riches of its own higher spiritual nature.

To a reeent inquiry as to how it was possible for him to engage without injury to his physical and mental health so

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unremittingly in his work as a suggestionist—a work that implies concentrated intellectual effort and is daily prosecuted on an average from 9 a. m. until midnight—the author of this paper made the reply: "Because I get something back from my patients; otherwise, I should be a nervous bankrupt." It is my purpose this evening to investigate the hypnotic procedure with a view to ascertaining what it is that the hypnotist who throws his soul into his work may receive in return from his subject; to offer a philosophical explanation of the spiritual exosmose and endosmose. Much has been written of the action of the operator and the passion of the subject. It is always what a suggestionist is doing to his mesmerizee, never what the mesmerizee is doing to his suggestionist. But the patient is as active subliminally as is the operator objectively; and the operator, where genuine rapport is established, realizes this activity.

It may be well for me to state at the outset that I understand hypnotic suggestion to be of the nature of inspiration; and the result of it is assumption of control either where control is relaxed or in fields where it has not before been exercised. Hypnotic suggestion is a summoning into ascendency of the true man; an accentuation of insight into life and its procedures; a revealing, in all its beauty and strength and significance, of absolute, universal, and necessary truth; and a portraiture of happiness as the assured outcome of living in consonance with this truth. It is not a mere pulling up of weeds by the roots as Horace Fletcher describes it in "Menticulture"; but it is a sudden overshadowing and starving out of character defects and mental weaknesses by a tropical growth of ethical energy which seeks immediate outlet in the activities of a moral life. The patient freely expresses his best self post-hypnotically, without effort, from a plane above that of the will—the plane of apprehension and of spontaneous command along lines of thought and action that are high and true. Thus is effected a perfect agreement between the law of right and the intelligent creature.

Such inspiration cannot be mere lip-work or rote-lesson. It implies a sincere belief in the suggestions offered; control by lofty, inflexible principles; an eloquent and incisive manner born of the courage of conviction; in short, it is a transfusion of personality. Perfunctory speeches are of no avail,

for the mind of the mesmerizee is endowed with supranormal insight, instantaneously detects the disingenuous, and rejects the counsel of an uncandid or lukewarm guide.

The wear and tear of a continuous service in practical hypnotics, covering not only all phases of abnormal mental and moral attitudes, but involving as well inspirational work of the most difficult kind, is certainly out of the ordinary; the rapid recovery therefrom is phenomenal. There are grades of depression, time differences as regards the re-establishment of the operator's nervous balance, and degrees of subsequent uplift. Some patients are more exhausting than others, some mysteriously exalt, many are seemingly negative, all who in sincerity and faith seek moral or intellectual aid through hypnotic channels, in some way, immediately or remotely, refresh, exhilarate and nerve the mind that offers it. There is a more marked return in ethico-spiritual than in intellectual inspiration; little reciprocal benefit attends the treatment of mere physical conditions. Persons suffering from moral perversions and remorse consume more than the average amount of nervous energy, perhaps because they need a more generous quota of help. In certain instanstances it would seem as if the sufferer secured relief by casting upon the physician the whole burden of his imperative conception, self reproach, remorse, worry or fear. It may require hours or even days for one who extends aid subjectively to lift from his soul the dead weight of such an imposition. Coarse natures are especially trying; while refined minds ennoble and exalt from the earliest moment of contact. The more spiritual the work, the more marked the ascent, and the greater the consequent indifference of the operator to all worldly or purely material considerations. One seems sustained upon a higher plane where neither thought, nor passion, nor volition can intrude to ruffle the serene surface of his soul.

Some twelve months ago, in the up-rush of a violent nerve storm centering in a series of vicious assaults upon my integrity, there came into my life a spiritually-minded patient with the following request: "My deepest desire is consciously to realize my oneness with the Infinite God of Love. Impress upon me, as I sleep, the conviction that I have within me forces which, if I could but recognize them, would lift me to higher levels and open my soul to the illapse divine. Put

into operation these spiritual powers, that I may lose myself in an acceptable service to others, and therein taste the perfect fruits of faith, aspiration, and love." Whereas I make no pretense to such power as would be implied in a literal response to the longings of this soul, and so explained my position to the petitioner, I do believe that by presentation of sovereign truth below the threshold of consciousness—that is, subliminal presentation—a soul may be made a hundred fold more intensely receptive than through mere objective exhortation. On this principle, I put the lady into a suggestible mind state, and as the inspiration proceeded, I felt myself elevated above the plane of the material and the transient, placed out of reach of worry thought and misgiving, and rendered incapable of irritation by the ingeniously contrived annoyances that had disturbed me hitherto. I realized a potency within me that was in every way adequate to the occasion; I became insensible to accusation and insult, I was made immune to the toxin of resentment. Association with pure souls in the realm of the subliminal has repeatedly proved similarly cheering and uplifting. Such uplift is to be carefully distinguished from the sense of self-congratulation that attends the doing of a kindness—from the gratification of that lively disinterested feeling which is a part of our animal nature, and which forever prompts us to make ourselves happy by making others happy first. It is marked by a peculiar erethismic thrill or shock, which would seem to accompany the touch of a soul. The inspiring suggestion blesses him that gives as well as him that takes.

But one must enter the ethico-spiritual field to experience the exaltation described in its perfection. In pure intellectual inspiration, in higher hypno-pedagogics, for instance, involving the exhibition to a sleeping subject of potential endowment and the post-hypnotic spontaneous expression of such endowment in the objective life—there is uplift of a different nature, similar, though specifically superior to the satisfaction accompanying felicitous objective instruction, persuasion or inspiration. The qualifying of a college student's subliminal for a rigid examination; the symmetrical development of unbalanced mental faculties into harmoniously acting forces; the equipment of a talented woman for authorship or the stage—bring different degrees of intellectual compensation. In the creative communication that evolves a

great actress, spiritual chords may be set in vibration as the true aim of dramatic art is pictured to be, not the mere representation of passion in itself, but of passion that leads to meritorious action—when tragedy is conceived of as poetry in its deepest earnest, and poetry as beauty plus spirituality. In the case of an actress inspired by me within the year and risen at a single bound to fame and fortune, the line of suggestion was as follows:

"You are now in a position to realize your talent and your power over its expression; and you are going on the stage in January—free from all agitation, having grasped in full the dramatic idea of the play whose heroine you are and confident in your own interpretation of the character of———. Your acting throughout will be consistent with this interpretation, sincere and natural in its tone. You will know intuitively where the touch of nervousness is required to express the assumed emotion, when to affect a look of despair,how to manage the quick transition from real fright to apparent innocence. Your acting will be without artificiality, false to fact, but true to faith, your own conception. Realizing the efficiency within you, your whole being instinct with an intense vitality, you will naturally and unconstrainedly cast into your art all the magic that fascinates, all the control that holds an audience from first to last—your self-possession retained, but your self-consciousness all but submerged in your impersonation. So doing, you will impress without effort those who witness your acting with your masterly portraiture, with the superior quality of your representation, your truthfulness to nature, your heavy-handed realism. And you will be your own best automatic critic through it all, so confident in your talent and your spontaneous control over its utterance, that you will realize your elevation to a plane above necessity for sympathy from your audience. You have arisen in all the strength and fearlessness and majesty of your womanhood, and in all the glory of your genius, to assert yourself, and you can stand, if need be, unabashed before the world."

This gave the lady immediate insight into her endowment, with confidence in its expression, and she went before the footlights a consummate mistress of her art, to be curtained many times throughout the winter after the climax of the play.

To achieve this result, the lady in question was brought to a full realization of herself in her higher relationships; and wherever this is accomplished by the suggestionist, there is sure to be spiritual indemnification for the energy expended in awakening apprehension of the self at its best.

The reciprocal influence implied in hypnotic rapport is explicable on the principle of action and reaction, the third law of Sir Isaac Newton, viz: "To every action there is always an equal contrary reaction; a given body cannot press or attract another body without being itself pressed or attracted with equal force in an opposite direction." To carry this natural law into the world spiritual, no soul can impress another soul or personal intelligence without being reciprocally impressed. A soul errant in rapport experiences during the hour of impact with the mind of a pure-hearted suggestionist, a change in the direction of its aspirations or spiritual motions, and its total ethical energy is made actual. To the soul of the operator that stooped to point a way of escape to the sin-burdened spirit of the mesmerizee, is imparted a contrary upward motion and it rises to the heights of apprehension, spiritual insight and spontaneous yet absolute intellectual command. But in its ascent, it is not companionless; the emancipated soul is a factor in the rebound. Together the associated spirits enter the realm of pure mind life—the guiding spirit freed, by the intensity of its abstraction, from consciousness of a material environment; the spirit in rapport endowed, as incident to its subliminal state, with preternatural perception and thus become sensible of its measureless power over matter, its control of the vital functions of its objective body, as well as of its own intellectual attitudes and trends of thought. It realizes to the full the inherent dignity and worth of its higher nature, and discerns within itself a spiritual efficiency commensurate to its needs, whatever they may be—a power in reserve through the operation of which it may successfully parry the lance thrusts of disappointment, still the voice of remorse, quench the fires of passion, and break the clutch of crime. In the light of such apprehension, the so-designated heaven-left soul confidently assumes command of the forces conferred by its Creator for exploitation, and through the free and unconstrained operation of these natural forces, the objective life is spiritualized.

Ideal hypnotism thus implies on the part of one personality an expenditure of spiritual energy which, under the universal law of the conservation of force, cannot be destroyed, but which instantly materializes as ethical activity in the personality that is inspired. The energy that seemingly disappeared is transformed into a spiritual heat which warms the soul that kindled it, and creates reciprocally in that soul its full dynamic equivalent. If it be true that there are no forces in nature to which the law of energy does not apply, we have in this law an explanation of the reciprocal uplift in hypnotism, and we have in the fact itself an indicated way in which the souls of men may draw nearer to one another.

Do all persons who hypnotize other persons consciously receive from their subjects this lavish return for their investment of energy? Or are special qualifications required in the hypnotist? And if so liberal a dividend is assured, why should not all high-minded persons resort to hypnotism as a means of accentuating their own general receptivity and adding to their magnitude as moral stars? It were, indeed, a pity that the great mass of enlightened men and women who are striving for self-improvement or for the elevation of their kind should be debarred, through ignorance of its very existence, from so promising a field for their labors. The majority of hypnotists do mere perfunctory work; they do not sound the depths of the soul they seek to aid. There is a mere passing contact, a cold injunction to abandon demoralizing practice or secret sin; there is no outpour of sympathy, no encouragement of the stricken spirit to unbreast its woes. With what measure the hypnotist metes, it is measured to him again. If he be not an earnest and sincere believer in his suggestions; if he sees not a brother in the evil-doer; if he withholds that best gift one can offer to his neighbor, viz: himself—he can expect no return from the soul he addresses. A mesmerizee instinctively penetrates the veneer of indifference or deception, and revolts against rapport that is sought for selfish or sordid purposes. Further, the human soul delights in a realization of its own power, and responds sublimely to him who, in harmony with Paul, holds up before its subliminal vision that spiritual potency conferred on it by God as the means of accomplishing lofty purpose, as the way of escape (ekbasis) from temptation (1 Cor. x:3). The doctrine of the utter helplessness of man which is harped on so

persistently by certain creeds, and which has for centuries unsouled the Christian, is taught neither by Jesus nor Paul. God does not turn out mere salework. He does not create souls without good in them; without power in themselves to help themselves—a mistaken philosophy which every blade of grass controverts, every sun, every diatom. The maximum efficiency of the human machine is illustrated in the life history of Job, that one conspicuous embodiment of purely human feeling and faith and potency at their best. The same spiritual energy that gave Job his victory, is potential in every human unit. There is no soul in which God is not; and what God hates is therefore intuitively hated by the human image of God, the superior spiritual self. Objective man is often sin-loving; subjective man is ever sin-hating. One fool hath said in his heart, "There is no God;" another fool, "There is no God in man"—and yet the Spirit beareth witness with our spirit that we are the children of God (Rom. VIII.). It is this spirit of ours, the pure pneuma, that deathless principle which dictates what is right, and whose attitude toward sin is by force of its very birth, one of repugnance and horror—it is this spirit that lusteth against the flesh,—all vicious appetites, wrong impulses, unmanly practices. So no sin-living man in the abstract is morally indifferent. He may smother his sensibility for a time, but he will always revolt and assert his manhood objectively when subliminally shamed into an apprehension of the blot upon his dignity as a man. In the conduct of his revolt, he is under obligation to make a competent use of the efficiency within him in an expression of willingness, perseverance, patience and moral energy, before appealing to the throne of grace. To the personality that apprises an apparently helpless soul of its own intellectual and moral powers and makes plain the possibility of conquest through self-help—the truth an enfamined world craves to-day—that soul flows out in a great tidal wave of recognition, gratitude and reciprocal stimulation. And the possibility of asserting a slumbering intellectual courage that clearly discerns, and a moral courage that grandly undercrests, is open to all who have lost sight of the god-like in their own lives. This is optimism at its climax, this making the man acquainted with himself.

Another fact—the thoughts, emotions, beliefs, aspirations and moral status of a suggestionist are undesignedly com-

municated most vividly to the subject, whose mind becomes mysteriously tuned in unison with that of the operator. I have been startled by hearing patients tell me days after hypnotization of feelings and incentives to action, of which I had suggested nothing but which I knew to be in the background of my consciousness at the time of treatment. An actress whom I was inspiring with confidence and preparing for her part, assured me a week after treatment that she had experienced a remarkable change in her disposition and her attitude as regards the purity of the stage. She would not entertain a propositition from a manager whose plays verged on the vulgar, and her newly adopted ideals were so exactly in conformity with my own that there could be no question regarding their source. In like manner, I have inadvertently communicated my love of nature and her wild life, my aesthetic sensibility, my facility with the pen, and even my faith. As one patient expressed it, "Your thoughts become my thoughts." The time has indeed come, as Maeterlinck predicted it would, when souls may know of each other without the intermediary of the senses. We have within us an immaterial principle entirely independent of sense organs and sense acquisitions. Its pinion is not reconciled to earth. It represents a flight above the temporal, and hints of Heaven.

What light, if any, do these facts cast upon the principles of telepathic communication? The laws that govern such intercourse, the question as to the extent of its prevalence among the living, and its possible extension into the world of the dead, are of supreme concern to humanity. The fact that minds brought into hypnotic contact through the approximation of the physical bodies they tenant, can exchange thoughts, feelings, ideas, knowledge, convictions, suggests the possibility that minds temporarily separated and to all purpose discarnate in natural sleep or in hypnosis, or even in states of reverie—subliminal selfs free to traverse the world and its purlieus—may communicate without reference to space limitations, and are mutually impressed, exalted and refined.

Subliminal minds would seem to be attracted automatically 1. To their complements, each the other to strengthen, to instruct, to inspire; and 2. As mere almoners to other minds in need of help. Were the means of establishing such communication comprehended and under control, deliberate ab-

sent treatment for functional sickness or moral defect would be possible and in every way scientific.

Telepathy is the direct communication of one mind with another, at a distance, otherwise than through the normal operation of the recognized sense organs—that is, without the use of words, sounds, odors, looks, gestures or other material signs. It is a form of mystic perception and impression which inheres in animal nature and characterizes certain methods of brute communication. Recent experiments have proved moths and other insects to be capable of thought transference so far-reaching as to impress their fellows miles away with a knowledge of their existence and whereabouts. It is well known to whalers that a cetacean struck by a harpoon has power instantly to convey information of the presence of an enemy to a spouting school a mile distant, so that the individuals composing it immediately disappear below the surface. Every angler is aware that if one trout in a pool becomes conscious of his presence, the most deftly cast flies fall unheeded on the ripples. Some twelve years ago, the late Austin Corbin purchased 25,000 acres of farm and woodland in Sullivan County N. H., and stocked the estate liberally with cervidae. In 1897, it was predicted that the extinct carnivores whose natural food is venison would return to the region. Recently, Austin Corbin, Jr. reported the presence of a family of pumas, or mountain lions, in the Park, and other observers have discovered the lynx (both *rufus* and *canadensis*) in evidence. By what mysterious power of cognition did the great cat, a century vanished from this region, become aware of the presence of deer and elk in Blue Mountain Park? I suggest the theory of a telepathic communication—the radiation of subtle waves of cognizance from the mass of fear entertained for their traditional enemies by a community of 4000 animals of the deer tribe, to fugitive panthers in the Alleghanies or in remote areas of the Green and Adirondack Mountains. Similarly, intimations of intended movements having in view either my injury or my advantage, are frequently conveyed to me. I feel the thing in the air. If brutes possess this inscrutable power of communication, and exercise it for their benefit, it cannot seem marvelous that a professional trance-medium, in perfect training, should be able to project her subliminal indiscriminately or with method in her ecstasy, force her way subjectively into

the penetralia of selected human minds, and so possess herself of information calculated to confuse, deceive, or otherwise impress her investigators. For has such a medium ever revealed anything that did not exist either in her own consciousness, or in the consciousness of some person present, or in the consciousness of some living human being not present at the seance? And yet I do not deny the possibility of impression by extra-human intelligences. Whence come the beautiful and practical thoughts that possess us as we sleep and clamor for utterance at the moment of our awaking, "the thoughts ye cannot stay with brazen chains." Granted, during the hours of rest, symposiums of kindred subliminal spirits having interests in common and free to combine and inter-penetrate, granted on such occasions unrestricted access on the part of every soul to the knowledge and experience and impulses and ideals cherished by every other soul, and thought impression during states of sleep is rationally explained through creative communication. The Gospel teaches the communion of saints, the spiritual fellowship, mystically in and through Jesus Christ, of all believers, dead as well as living, who are united in the Holy Catholic Church. But mystical communion does not necessarily imply communication between the living and the dead. The teaching of the New Testament as to the possibility of intercourse between embodied souls and discarnate spirits is negative; but it positively affirms the possibility of subliminal communication between uncarnate spirits and embodied souls. Intelligences not human, ill-wishing and well-wishing, would appear to influence man, and the *modus impressendi* must involve action on a receptive subliminal consciousness. In my higher work, I have at times felt myself seemingly thwarted by an intervening intelligence that opposed the strongest influence I could exert and for a time renderd futile all efforts at hypnotization. I may instance the case of Susie G., a bright little girl seven years of age, who was brought to me to be treated for an abuse taught in infancy by a nurse. The child realized that she was doing wrong and was desirous of cure; she trusted me implicitly, cheerfully came to my office, and had perfect faith in my ability to save her. She would enter the first stage of hypnosis with her hand confidingly in mine and her arm about my neck, when suddenly the trustful childish expression would desert her

face and she would glare at me with a sullen, defiant, hunted look like an abandoned woman taken red-hand in the commission of a crime. For the nonce, further attempt to hypnotize failed. The revulsion was painful to me, and must have been to this unfortunate child. She described the interposing influence as that of Satan, who, she naively said, told her not to go to sleep for me, who regularly tempted her to do herself wrong, and whom, as she grew stronger, she was accustomed to refer to an adjoining house for a more promising victim. The alternative here is between an outside ill-wishing personality too strong for the simple child-nature, and a part of Susie's own personality. I have never seen anything so suggestive of possession in the cases of multiplex personality that have come under my own observation, although in a number of sexual perverts who have subjectively resisted hypnotism, something similar has seemed to occur. After three months, this interesting girl was brought to me again for treatment, and I easily succeeded in putting her into a placid and trustful sleep in which the redemptory suggestions were given without interruption. If the efforts at rescue were thwarted in the first instance by the intervention of a daimon, my subsequent success would seem to imply that extra-human intelligences may be as fugitive in their endeavors to deprave or ennoble, as are other intelligences clothed with human bodies.

The difficulty of discriminating is such a case as Susie's between an ill-wishing spiritual intruder and a separate personality of the individual under treatment, is obvious. No room for doubt exists in the case of Natalie W., another patient who passes daily from one personality to another without appreciable cause. In consequence of a nervous shock received in her eighth year, during convalescence from fever, the mind of Natalie W. remained a child's mind, while she gradually developed into physical womanhood in the thirty years that followed. In one personality she repeats aloud the petitions of the Prayer Book continuously for six hours, being constantly interrupted by the other personality whom she styles Miss W., and peremptorily orders out of her presence with emphatic gestures. In one personality, she is affectionate, confiding and tractable; in the other, she is cunning, suspicious and difficult to control. In one personality, this child woman loves me; in the other, she fears me.

Her mother believes her to be possessed. The psychology of this case of alternating personality is, however, clear.

But whether or not uncarnate daimons communicate through the instrumentality of suggestion, and whether or not disembodied souls reach, via the channel of the related selfs, those of us who are still in the flesh—one fact the writer regards as established by his experiments, viz: A Rational and Dignified Way is Open for Such Spiritual Communication Every Time We Lose Ourselves in Slumber, for There is no Difference as Regards Suggestibility Between Natural Sleep and the So-called Hypnotic Trance. In the latter, the sleeper is in rapport exclusively with the person who has induced the state; in the former, he may be in rapport with his own objective self, perhaps with a multitude of discarnate personalities who think and feel in common with him, and in case he be of superior parts, possibly with all well-wishing daimons. Iamblichus, the Neoplatonic philosopher, was right when he proclaimed the night-time of the body to be the day-time of the soul. The impressing outside personality, if it be operative at all, operates through the double consciousness fused in the single human mind, the superior spiritual self being obnoxious to the insinuation of a belief, impulse or thought, which may dominate the objective life. Spiritistic communication on this principle, implies a plane of meeting infinitely higher than that of the common seance, where soul and daimon are supposed to communicate through the mind of an entranced medium who chatters a confused mass of trivialities and irrelevancies. The human soul intuitively abhors an intermediary. In this life, the climax of soul communion is reached in the mutual embrace of the physical bodies—immediate relationship alone is acceptable and satisfactory. So if there be impression by disembodied souls, that impression, in the opinion of the speaker, is direct. The idea of intercourse with the dead through the machinery of the seance is repugnant to reason. Aside from the fact that if the communications be accepted as messages from the souls of the righteous dead, such a belief cannot be reconciled with an exalted conception of the powers of disembodied spirits, we are confronted with the equally significant fact that the intellectual status of all circles is low and disappointing.

Every hour of natural sleep is prolific of opportunity for communication with the departed, and who knows that it

does not take place? It were pleasant to feel that a contingent of our better thoughts is inspired by those we have loved, who when they appear in visions we remember, always appear as living, and thinking, and acting personalities. Perhaps there is in this latter fact a suggestion of that immortality which psychic vision and psychic audition incontestably prove in that they illustrate the power of the soul to operate as a discarnate entity, as a spirit disentangled from the flesh.

The soul that exalts the operator in the hypnotic procedure is the same soul that is freed permanently at the moment of death. Why should it cease to project aspirations, modify attitudes, communicate ideas, uplift human natures, simply because it is forever done with the perishable body as an instrument of expression? If then, in the providence of God, disembodied pneumata are free so to do, assuredly they have it in their power to communicate directly with us through impression of the subliminal mind. And we have the same power to receive or to repulse all such advances *subjectively*, as we have in our every day objective life. The human soul, in subliminal as well as in supraliminal states, is perfectly adequate to its own protection. Its career in relation to associations and companionships, is determined by its own deliberate choice.

From my experience in subliminal inspiration, and from my knowledge of the reciprocal influence in psycho-therapy and of telepathic possibilities in general, I am inclined to accept the telepathic rather than the spiritistic hypothesis in explanation of the communications received by Professor Hyslop from Mrs. Piper.

(For the paragraphs quoted in the above from the author's article in Harper's Magazine for June, 1901, due acknowledgment is hereby made.)

TELEPATHY AND MRS. PIPER.

BY CLARK BELL, ESQ.

In reading the statement of Mrs. Leonora E. Piper as it appeared in the New York Sunday Herald recently, it seemed to me, that it was a clear duty to examine the evidence of the record of the communications which have been made by her in the trance state, to see how far they would sustain the view and position she assumes in her statement as announced in the New York Herald.

There can be no better place to look for that record, than in the proceedings of the Society for Psychical Research, and for this purpose we are justified in assuming their correct reproduction. They are certainly quite as reliable as the usual stenographic notes of the evidence of witnesses on a trial. It ought also to be assumed on entering this discussion, that no mere pride of opinion nor the change of views of observers, like Dr. Hodgson or Prof. Hyslop, should influence our analysis of the evidence.

It is only fair, to recall the fact that neither Dr. Hyslop nor Dr. Hodgson were avowed believers in the spiritualistic hypothesis, nor was the Society of Physical Research itself recognized as a body, that was committed to spiritualism at the time she commenced her labor for that society.

It is safe to say that both Dr. Hodgson and Prof. Hyslop were regarded as very skeptical indeed of what was then constantly exhibited as the phenomena of spiritualism, and in my own experience, I found Prof. Hyslop very adept, and quick, to detect frauds in the average mediumistic phenomena, which we some times saw together, and where we usually concurred as to the peculiar deceptions used.

To start with, neither Mrs. Piper, nor indeed the leaders of that body at the outset did not probably allege or indeed believe, that the phenomena was such as was then regarded as spiritistic phenomena.

Read before the Medico-Legal Society, Dec. 18, 1901.

So that it is but justice to Mrs. Piper to say, that so far as she is personally concerned, there is nothing in her statement that should be fairly classed as derogatory to either her integrity or veracity, or that was in contradiction of her views, at the time she commenced with the society work.

The fact that the gentlemen named have changed their views, even if that change had been based on the manifestations or her communications, should not alter the free discussion of the issue.

It is too extensive a subject, to consider in an exhaustive manner, on such an occasion,and I prefer to limit what I have to say to the evidence, and shall quote from the volumes of the proceedings of the Society of Psychical Research, and follow perhaps somewhat in the line of two members of that society, along lines which seem to me to be at the very root or heart of the discussion.

I shall refer to a paper by Mrs. Henry Sidgwick entitled "Discussion of the Trance Phenomena of Mrs. Piper."

Mrs. Sidgwick begins by referring carefully to the various papers relating to the phenomena as published in the proceedings, giving title, author, volume and page.

She assumes, and agrees, with Professor Newbold, at the outset, (Proceedings Vol. XIV, p. 7,) in the assertion, "I accept the conclusion arrived at by everyone so far as I know, who has studied the case at any length," "that it was not consciously got by Mrs. Piper during waking life and then fraudulently palmed off on the sitter as supernormal;" or as Dr. Leaf puts it (Proceedings Vol. VI., p. 559), "as to the first and most obvious question whether she consciously acquires knowledge with regard to her sitters with the intention of deceiving, I may say most positively, that I regard such a supposition as entirely untenable."

Mrs. Sidgwick, in searching for the real cause of the phenomena, assumed "That telepathy—in the sense of the impression of one living mind by another, otherwise than through the recognized channels of sense may be taken as provisionally established by the evidence collected by our society and other investigators."

Mrs. Sidgwick agrees with Prof. Lodge, "That thought transferrence is the most common place explanation to which it is possible to appeal in the case of Mrs. Piper." Proceedings Vol. Vi., p. 451.)

In such a discussion we should carefully consider and define telepathy, so that we might occupy a common ground in this respect, as it is now claimed by scientific men, and, concerning which we should not find or expect to find dissenting opinions.

Telepathy, as it is regarded by scientists who accept it as a fact, is some unknown sense or power of the human body, by which as a physical process, communication is held between brain and brain of the human organism. Some means by which the perceptions are reached in some manner analogous to the known and well-defined transmission of the electric current or the action of gravitation which we know exists, but we are as yet unable to comprehend how it acts, or to know its methods.

As yet the process of the action of telepathy is wholly undefined, but that it is a physical process is generally conceded by scientific workers.

Those who wish, like Mr. Hodgson, to extend this view of telepathy, so as to embrace communication between the living brain, and the spirit of the dead, through a living brain like that of Mrs. Piper, must be classed as in the region of controversy; such a view has not yet been demonstrated.

Mrs. Sidgwick is of the opinion that in no case has the spirits of deceased persons, known to the sitters used her organism to speak directly through her to the sitters wi h her voice or write for them directly with her hand. (Proceedings Vol. XV., part XXXVI, p. 19.)

Mrs. Sidgwick is of the opinion that the influence or intelligence operating through Mrs. Piper is frequently not Mrs. Piper, but some brain outside her own personality. She asserts the existence of two separate intelligences, one speaking and one writing at the same time, but insists that this condition frequently exists in hypnotic subjects, and throws no light on the subject of the controversy, quoting Mr. Gurney and Prof. Janet. (Peculiarities of Certain Past Hypnotic States. Proceedings Vol. 4, by Mr. Gurney, also Prof. Janet's work.)

She attaches little importance to the impressions of the sitter, regarding the personality of the communicating intelligence, because, when two or more minds are considering the same subject, one will often think it recognizes, and the other will on the same identical facts think otherwise. With Mrs.

Piper it was usually. Phinuit (Dr. P.) and he was speaking sometimes for others, and not for himself. This explains why the person who is directly communicating or attempting to do so, is not the person it claims to be, and which it often believes itself to be; but that it is in fact the trance personality of Mrs. Piper herself.

On no other theory can the inconsistencies, contradictions, errors, misstatements of known facts, concerning which the real person could not be in doubt or in error, which arise in communications through her, or in similar communications from or through other mediums of similar character be explained.

For example, Dr. Phinuit's description of himself as the spirit of a deceased Marseilles physician, is beyond all doubt, an incredible statement.

He cannot speak one word of French. He has not established even a fraction of a reputation for veracity, and so far as known none of his statements regarding incidents in his life on the earth, have ever been verified.

His testimony would not have a particle of weight before a court or jury if given in an action at law; and that this was Mr. Leaf's opinion of him, is clearly shown by Mr. Leaf's statement. (Proceedings Vol. VI, p. 60.)

Take the case of Mr. Stainton Moses (Proceedings Vol. XIII, pp. 407-412.) The spirit guides of Mr. Moses assumed several names, Imperator, Rector, Mentor, Doctor. As a group of witnesses, their statements regarding their own life on earth, about Mr. Moses himself, and their teachings to him, serve to discredit their evidence. It must be thrown out as evidence and would be in any court of justice.

They gave the names of the historical personages, they claimed to have been. Mrs. Piper wrote out these names. Investigation shows, those given not to have been correct. Wrong names were given. None right, but they are insisted upon for a time, and then corrected, and the names corrected to others, equally wrong.

The "Doctor" is Homer and "Mentor" is Ulysses, and he says that he often sees "Telemachus," and can't remember the name of the lady who is with him always, until his recollection is refreshed by Dr. Hodgson, when he recalls "Penelope."

It is perfectly safe to say, that these persons are not the personalities they claim to be; or that they are Mr. Stainton Moses Guides; or that they have actually used Mrs. Piper's hand as a writing machine to record the evidence of their misstatements of facts.

Mrs. Sidgwick cites an instance in point (Proceedings Vol. XIII, p. 348) where Mrs. M. records communications from her husband's aunt who had died in 1894, both through Phinuit and when she pretends to write herself, could never give her own name correctly, although Mrs. M. repeatedly tried to have her do so.

Mrs. Sidgwick cites the case of where Mr. Hodgson had given Mrs. Piper entranced a piece of Mss. Written by Dr. Wiltze to hold.

Shortly the spirit of Dr. Wiltze appeared, in person claiming to be dead and that his body was still in the water. Proceedings Vol. XXXVI, p. 25. Dr. Wiltze was at the time alive and well.

Is there any rational explanation of such an occurrence, other than to attribute it to an idiosyncracy of the trance personality of Mrs. Piper?

The conclusions which Mrs. Sidgwick reaches regarding the trance phenomena of Mrs. Piper are, that they are explainable in no other way, than that they are; consistent with the hypothesis that they may have originated with the trance personality of Mrs. Piper.

That it must be conceded that Mrs. Piper is in telepathic communication with the sitter, and that the sitter must play an important part in relation to the communication. We know so little of the methods of telepathic communication beyond the fact that it does exist, that it is only fair to suppose that the mind of Mrs. Piper in trance, may and probably does, have free access to the thoughts and subliminal consciousness of the sitter.

The mind of the sitter has its recollections of and its impressions of the deceased person. How far the trance personality of Mrs. Piper has access to these recollections and memories we do not quite know, nor as yet can we suppose them to be wholly unavailable or inaccessible.

If the dead could communicate with the living, it is not out of the question that the trance personality of Mrs. Piper could receive impressions from the spirit of the departed; but

of this we have no positive evidence. On the whole evidence it is quite clear, or rather it is not sufficient, to raise even a conviction, that the trance phenomena of Mrs. Piper is in any sense due to the action of the spirits of the dead, on her trance personality, as to the communications made.

Andrew Lang contributes an article to the "Discussion of the Trance Phenomena of Mrs. Piper," called "Reflections on Mrs. Piper and Telepathy." Proceedings Vol XXXVI, at page 39 to 52, of considerable value. It is in the nature of a review of Dr. Hodgson's "Further Record of Observation and of Certain Phenomena of Trance," as published in Proceedings of Society of Psychical Research Vol. XXX, p. 406), in which he details at length the reasons which are conclusive on his mind, that the phenomena can not be regarded as having any true relation to communications from the spirit world or from the spirits of deceased persons. Mr. Lang criticises Dr. Phinuit, Mr. H. and G. P., and says that "if they were honorable spirits, they would say they don't know when they don't know. They would not give false information, 'natural enough,' easily guessed, but totally wrong."

He quotes Prof. Pierce, Mr. MacAlister, Mr. Marte, Dr. Weir Mitchell, Mr. Barkworth, Mr. Newbold, Mr. Podman, Prof. Trowbridge and others, but while he concedes that the facts would raise a strong presumption against the bona-fides of Mrs. Piper, he still says:

"On David Hume's theory a long set of impositions is the most legitimate explanation of Mrs. Piper's successes. For reasons given by Dr. Hodgson, I cannot accept the theory of imposture by Mrs. Piper in her normal state. For one thing she could not afford the expense of private inquiries which would more than swallow up the profits."

Mr. Lang says:

We are dealing here with a most imperfectly known agency, telepathy; with a better known agency, the secondary personality, and with another wholly unknown agency, spirits of the dead. The preference for any of these Laputan alternatives is apt to be decided by personal bias. But, to a faint extent, telepathy has the advantage of being a vera causa. The advocates of telepathy, attempting to explain Mrs. Piper's successes, may fall back, as Dr. Hodgson says, on "the hypothesis of telepathy from the living, that the subliminal consciousness of the sitters, and also of distant living persons, might be drawn upon the living." Thus, Mr. Pelham is doing something in Washington with a photograph of his son, G. P., and G. P. reports this at Boston through Mrs. Piper. The explanation (apart from guess or collusion), will be that Mrs. Piper

got at the subliminal consciousness of the remote Mr. Pelham, and so on in other similar cases. Such a telepathic explanation is "to the Greeks foolishness."

Mr. Lang continues in the discussion as follows:

Now the stretching of the telepathic hypothesis was almost forced on me (if I was to have any hypothesis), during Miss Angus' experiments with a glass ball? I presume that these experiments were "experimental," in Mr. Lodge's sense of the word, but I am not certain. (Making of Religion, Pp. 94-112.) There was in these experiments, apparently, a "selective and discriminative capacity in Miss Angus' percipient personality." But there was no room for the theory of the spirits of the dead, for all concerned were alive. To be sure the Polynesians explain all water-gazing by a theory of spirits, but Dr. Hodgson will not agree with the Polynesians. (Ellis, Polynesian Researches, II, p. 240.)

Again and again, Miss Angus, sitting with man or woman, described acquaintenances of theirs, but not of hers, in situations not known to the sitters, but proved to be true to fact. Now the "far-going" hypothesis of direct clairvoyance was here excluded (in most cases, not all), by conditions of time. In one instance Miss Angus described doings from three weeks to a fortnight old, of people in India, people whom she had never seen or heard of, but who were known to her "sitter." Her account, given on a Saturday, was corroborated by a letter from India which arrived next day, Sunday. In another case she described (about 10 P. M.), what a lady, not known to her, but the daughter of a matron present, (who was not the sitter), had been doing about 4 P. M. on the same day. What the person was doing was not a thing familiar, for I asked that question Again, "sitting" with one lady, Miss Angus described a singular set of scenes much in the mind, not of her "sitter," but of a very unsympathetic stranger, who was reading a book at the other end of the room. I have tried every hypothesis, normal and not so normal, to account for these and analogous performances of Miss Angus. There was, in the Indian and other cases, no physical possibility of collusion; chance coincidence did not seem adequate; ghosts were out of the question, so was direct clairvoyance. That Miss Angus, (who, by the way, was in the most normal and wide-awake condition), had got into touch with the absolute, and was making discriminating selection from the stores of omniscience, did not seem likely, because her crystal pictures appeared to be directed by the mind of a person present, not always the sitter. Nothing remained for the speculative theoriser but the idea of cross currents of telepathy between Miss Angus, a casual stranger, the sitters, and people far away, known to the sitters or the stranger, but unknown to Miss Angus. Unpublished examples of these things went on the same lines. Miss Angus picked up facts, unknown to the sitters, about people known to them but not to her.

Now suppose that Miss Angus instead of dealing with living people, by way of visions, had dealt by way of voice, or automatic handwriting, and had introduced a dead "communicant." Then she would have been on a par with Mrs. Piper, yet with aid from the dead. Her cases do not differ from Mrs. Piper's cases, except in copiousness, and in the circumstance that her condition was normal, and that she was new to all such exercises. Of course, like Mrs. Piper, she had failures. I asked her to try to see the room of a person known to me by correspondence only, a person whom I never met, (it was a room in Africa, though of course I did not say so), and she failed. It was trying her rather high. We did not seek to improve the result by exclaiming "Dear Tom, Dick or Harry, in Bengal, Edinburgh, or the Soudan, or the Red Sea, do try to appear

more frequently in the glass," as Dr. Hodgson addresses the dead "communicators." We could not do that, because the essence of the game lay in Miss Angus' ignorance about Dick, Harry and Tom, who were kept private in mind of the sitters. Otherwise the performances of Mrs. Piper and Miss Angus were on a par (except for the deadness of the persons concerned), granting the difference of the methods of crystal gazing on one hand, and of trance-speaking, or automatic writing, on the other.

Not to rely solely upon Miss Angus, I take another instance. My friend Mr. Lesley is known to the world as a man of business, a golfer and a composer. He can see crystal pictures, but, (like most of my acquaintenances who possess the faculty, including my cook), has hardly any interest in the practice. One day Mr. Lesley and I had been talking about a lady, unknown to him, but known to me, though I had never seen her house. Mr. Lesley began to look into a glass water-jug, and described what he saw: the interior of a hall of a house, with a good deal of detail. Nenither of us recognized the house. I happened later to tell this to the lady of whom we had been talking; she said: "Why, that is my house," and on visiting it, I found that in all respects it answered to Mr. Lesley's description. It may be a common type of hall but I do not remember having seen one like it elsewhere, nor did Mr. Lesley know any such place.

Now suppose that the lady who occupied the house had been dead. And suppose that, instead of looking at a glass water-jug, Mr. Lesley had gone into a trance and announced that the dead lady was speaking with his voice. Suppose that when asked for a test she had described the hall in her house, (which was unknown to me and Mr. Lesley), with certain curious details. Would not Dr. Hodgson argue that this might be better explained by the hypothesis of communication through her spirit, than by telepathy between Mr. Lesley and anybody not present who knew the house? Yet, as its owner was and is alive, the theory of a spirit is wholly impossible, and if not telepathy a trois, then some other non-spiritualist theory must account for the facts, as for the facts in Miss Angus' cases.

Miss Angus' successes may not be due to cross-telepathy, nor may Mr. Lesley's success; very likely that is the wrong explanation. But of all known "supernormal" explanations, and that alone is viable, in these instances, and it is not, I think, incapable of application to Mrs. Piper's cases. Of course I do not reject the explanation by spirits, in Mrs. Piper's case; I only state the objections which occur to me, combined with the fact that Mrs. Piper is saturated with the animistic hypothesis, and has a dishonest secondary personality, if not dozens of such personalities. In Miss Angus' performances Mr. Podmore suggests (Part XXXIV., p. 130), my own provisional guess of telepathy a trois. It is a guess, even a wild Laputan conjecture. But we are here concerned with Laputan themes and speculations. Like Mr. Darwin, we are making "fools' experiments." Dr. Hodgson's hypothesis may be right; but in this region of dreams we ought to hold very lightly by all hypotheses; and, surely, we ought not to argue from one of them in favor of that old belief, the posthumous existence of the human spirit, and its power of communicating with the living, through a living organism. This is to base faith on a conjecture about conjectures. Moreover, in ordinary normal material, such as philogical or anthropological speculation, we often see how science overshoots her mark, remaining for a generation in sure confidence about a theory which the next generation explodes. We ought not to let our psychical theories affect our practical beliefs. To do that may be to prepare for ourselves, or for our successors, a cruel disappointment.

Mr. Lang concludes by saying, regarding experiments in thought transferrence:

"Twice my thought has (apparently and in the absence of any other hypothesis known to me), been 'picked up' by an experimenter, and in neither case was it my surface thought. These things bias one in favor of the belief that there is something here into which it may not be waste of time to inquire."

In experiments made by myself in the Ouicha board when I have endeavored to eliminate all possibility of collusion in the medium, and automatic collusion on my own part, I have had some experiences, that coincide with what seems to be Mrs. Piper's opinion respecting the phenomena she refers to.

1st. Example, an apparent intelligence describes itself as one S. B., whom I had well known in life, and knew by hearsay had been drowned on Lake Keuka, the details of which I did not know, but had been attributed to drink, to which S. B., a well known fisherman, was too much addicted.

There were two hands on the board, the other beside my own was a gentleman, and a spiritualist in belief, who has visited at that Lake and at a point where S. B. usually fished from, but was not conscious that he knew, or had ever seen or ever heard of S. B. I had fished the lake for years with S. B. and knew every foot of its bottom well, in that part where the transactions occurred near Grove Spring, Gibsons, and Keuka Landings.

S. B. spelling out his name gave me a complete detailed history of his drowning, fixed the hour at daybreak, or just before daybreak, when he was trolling for trout, the capsizing of his boat, and after many questions, stated that his body was then in the lake, with all his clothes on, precisely as he had died, lying with his face downward, and finally by questions referring to names and fishing grounds and places located the spot where his body then lay so exactly, that I could have dropped an anchor on it or within ten feet of it on what was known as the Barren ground among fishermen, in about 60 feet of water, almost exactly off the dock that was built there.

Subsequent investigation demonstrated that he was at the time of the communication to me, buried in the country grave yard near his home, and the whole statement drawn from either my imagination or that of my friend, the medium, who had given it full credence.

A peculiarity of this seance was that we were interrupted constantly by an intelligence who was most anxious to communicate with me, but who could not describe himself or even tell his name. After a long struggle he did at last spell out a name of Wm. S., also a fisherman on that lake, whom I knew well in his lifetime and who had been my client. He was a relation of Samuel B. and in life they were not the most intimate friends. He gave me information as to his state, his relations then to S. B. and to others of his old set, not worth repeating and not at all in accord with what is generally believed by the spiritualistic world—not of the slightest value, but it seemed simply to be a resolute, determined, and finally successful effort of a most obstinate and determined party to say "How do you do" to an old friend, but who had nothing whatever to communicate. The second hand on the board did not know this man in life, and has no consciousness of knowing him at all, but of course may have heard of him, as he was in his day the most prominent fisherman on the lake.

On another occasion, with a personal friend, a lady of high mediumistic powers, as the other of two hands on the board, I asked for and obtained the presence of D. B., a man of international reputation, known to the medium, and for whom I had acted professionally, and for whose estate I was then acting professionally. I had reason to believe that he had died possessed of real estate in a foreign city, but I had been unable to trace it through his relations, one brother knowing its whereabouts, but withholding it. We had been very intimate in life, and when he came, after some delay in finding him by the celestial messengers, he persisted in ignoring my questions, and devoting his whole talk to a description of his present plane and environment, and to explanations to me of his erroneous views of the future state in life (He had been an agnostic) and seemed most anxious to compel my attention to the erroneous views he had entertained in life.

His description of his first view of me was remarkable, he said. Calling me by my first name, "I see you at an illimitable distance. I am farther from you than the fixed stars, yet, to my sense, the distance is annihilated, and I see you as conscious as if I was face to face on the earth." After a long struggle, with great difficulty, I brought him down from his

high perch, and he answered my questions respecting this missing property. He gave me the name of the street, the number of the store, for he said it was a store in the business portion of a great city, and said that the store was and had been occupied as a liquor store for years.

This was wholly imaginary, and there was nothing in the interview to at all identify him to me, had he so desired to do—but his whole effort, of course due to the mentality of the medium, seemed to be to convince me of the truth of the spiritualistic phenomena, and especially to the immortality of the soul, and the future state for the spirits of the departed.

At the same seance, with the same medium, there came spelled out the name of Mr. J. G., a well known New York financier and railway operator, whom I had known well, and for whom I had acted professionally in various great corporations. The medium, did not know him personally in life, was intimately acquainted with stock operations in the enterprises, with which he was connected and I knew held, what was at that time a most unfavorable opinion of his character, life, motives and conduct. I shall not repeat what he said personal to himself, or relating to his life or his then present state, but he appealed to me as near as I can recall it now, in this wise:

"Whatever the world may say of me or of my past life, no one can truthfully speak one disparaging word, against my wife, or my children.

That which makes me suffer most now and here, is the reflection and the fear, that, the hatreds of those who classed themselves as my enemies, will visit their animosities upon my children. Appealing to me, he said: "You know this, as well as any one in New York. I introduced you to my oldest son. You know my oldest daughter. Use all your influence to prevent the animosities of those who hated me from reaching or harming my innocent children."

This did allude to a fact that had occurred in life between him and me, but it was within my consciousness, and is readily explainable by telepathy, and the medium, I think, also knew this fact and her mentality dominated the thought almost entirely. It did not impress me as a communication from the dead.

It was undoubtedly, both in my mind and in that of the medium.

I perhaps should say that after a most diligent search, extending over years, I have never had any communication that I believed to have come from the spirit of the dead.

Believing in the immortality of the soul, I would gladly welcome any voice from the beyond if it came. My mind is receptive to it, not antagonistic. The Bible plainly teaches it. Still it has as yet been unrevealed to my vision or consciousness.

A careful resume of the whole subject convinces me that Mrs. Piper's statement is entitled to weight and to credit.

It is in no sense a confession, and should not be so classed or regarded.

As I understand it the officials of the Society do not so regard it. They do not regard it as a violation of her engagement with the Society, and it is authoritatively stated that her relations are not severed with that body. Nor indeed should they be.

If she was now like Mr. Hodson, or Prof. Hyslop, an avowed spiritualist, it would not strengthen the value of her work with the members of that Society, who are for the most part not spiritualists, or not so regarded by the general public.

It claims to be a scientific workshop. Prof. James is not an avowed spiritualist; quite the reverse. Neither was Prof. Sidgwick; nor is it clear that Mr. Myers was.

The mission of spiritualism, if it is yet defined, should be to demonstrate

1. The immortality of the soul of man.

2. Its power to communicate with the living, by means incapable of being denied or refuted.

It is evidence that is needed. In the courts we establish what we call facts by human evidence.

Uncontradicted human evidence in a case is often accepted as a fact in a case, that in point of fact is not a fact at all.

Human evidence is full of weakness, yet in all the walks of life, we accept it, and we cannot consent to any plan or basis by which it is to be ignored.

A safe standard for our labor—one which must be considered by all to be conclusive—is Truth. We in determining as to the facts, or the law in a case before courts and juries, ask for the Truth. Science delights in demonstration, but in beliefs if demonstration is demanded, creeds must be written on a thumb nail, and not a half inch long. Let it be our motto to search only for the Truth, which is immortal and will live Forever.

HON. ABRAM H. DAILEY,

OF BROOKLYN, N. Y.,

EX-PRESIDENT MEDICO-LEGAL SOCIETY,

VICE-CHAIRMAN PSYCHOLOGICAL SECTION,

VICE PRESIDENT AMERICAN CONGRESS OF TUBERCULOSIS.

SPIRITISM AND MRS. LEONORA E. PIPER, AND DOCTOR THOMSON J. HUDSON'S THEORIES IN REGARD TO IT.

BY EX-JUDGE ABRAM H. DAILEY,
Ex-President of the Medico-Legal Society of New York.

In commenting upon a paper coming from the pen of so able a writer as Dr. Thomson J. Hudson has proved himself to be, in fairness to myself it is proper for me to say, that I would not undertake this task did I not feel it my duty to do so. A man placed as I am, who thinks he knows the truth, upon so important a matter as is here under discussion,—a truth affecting the entire human family,—and fails to speak the truth as he finds it, is cowardly, and does violence to a moral law which fair minded persons must recognize.

The subject is Spiritism, and the recent utterances of a Mrs. Piper, who has been the instrument for spirit manifestations or otherwise, as the truth shall turn out to be,of many eminent persons for quite a number of years. I was not surprised to hear of her utterances to the effect, that she supposed that what she had said and done in an unconscious condition, she does not now, and never did possess the fore that publication was made in the New York Herald, I had heard that she had stated, that she had no consciousness of what she had said or done in her trance conditions; that she did not know what it was that caused her to do those things. It seems that her utterances have turned out to be truthful, even though made in her unconscious condition, and though they relate to matters of which, in her normal condition, she does not know, and never did possess the slightest knowledge, excepting what she has been told concerning them since they were made. Her integrity is conceded by Dr. Hudson. An explanation which does not explain, is no explanation.

Read before the Psychological Section of the Medico-Legal Society of New York, on the 18th day of December, 1901.

In my argument we shall apply the same rule to Dr. Hudson that he invokes in regard to the phenomena in question. I assume that he will be consistent in what he will say in his paper, to be read before the Psychological Section of the Medico-Legal Society, with his arguments contained in his various published works. He undertakes to explain the admitted phenomena, claimed to emanate from discarnate spirits upon the theory of Telepathy and Suggestion, and through the operation of the subjective mind of the psychic. He has invoked a rule in his favor, that the spiritual hypothesis cannot be accepted, if it can be accounted for upon any other natural theory. In other words, the presumption is always against a spiritistic source, and it amounts to this:—that it must be proved that it could not possibly have originated from any other than a spiritual source,before it can be accepted.

You will see at the outset, that the poor ghost is at an eminent disadvantage. He is not entitled to even "the benefit of a reasonable doubt." The worst criminal arraigned in a court of justice is presumed to be innocent until he is proven guilty; notwithstanding the great volume of testimony that may be produced against him, if there is a reasonable doubt as to his guilt, he is entitled to the benefit of that doubt and must be acquitted. A man may travel around the world with letters of credit; he may be identified in various ways, so as to be received into the best society in distant countries, or anywhere on the civilized globe; but these letters of credit, or the usual methods of identification, would not be sufficient under the rule applied by Dr. Hudson, in dealing with the ghost, in his endeavors to identify himself to his friends and others, to whom he may desire to come for the benefit, not only of himself, but of the great humanity he has left behind. If he comes, as did Moses and Elias on the Mount of Tranfiguration to Jesus, and to some of his disciples; or as Jesus did to the two Marys at the door of the Sepulcher; or to the two disciples on their journey to Emmaus, and to other of his disciples, such appearances may not be accepted by scientists, because they might possibly be simulated; in other words, the testimony of all spiritual manifestations which has come down the ages, is subject to rejection, and must be rejected by scientists, if it could have been produced or accounted for on any natural hypothesis. To do Dr. Hudson

no wrong, I quote from an article from his pen, contained in Harper's Monthly of August, 1900, and it reads:

"I will strenuously insist upon the recognition of the axiom of science, that we have no logical right to attribute any phenomena to supermundane agency, that can be accounted for on the principles of Natural Law." I am a lawyer, and claim to know something of legal principles, and also to have made some investigation into the claims of that great and ever increasing number of people denominated Spiritualists, who embrace within their doctrines the claim of the spiritual source of certain phenomena and manifestations. I don't know of any, who claims that anyone of these cannot be accounted for on principles of natural law. I know of no persons who are such sticklers for the reign of Natural Law, as these much abused and little understood people. They now number among those, who accept the spiritual source of much of the phenomena, renowned scientists, professors, doctors of divinity, logicians and learned men and women all over the civilized world. I know of no great religion, embraced by the human family, that did not have its origin, to a greater or less extent in spiritual phenomena.

Dr. Hudson is a brave man; he has undertaken to account for a great part of this phenomena, certainly a very valuable part, upon the theory of telepathy, suggestion, auto-suggestion and hypnotism; anything but a spiritual source. This discovery strangely accounts for Abraham's faith, and the deep sleep which fell upon him, when the fortunes and misfortunes of his posterity were revealed to him. It is a strange way of accounting for the voice that called the child "Samuel, Samuel," awakening him from his sleep, and telling him what should befall the house of Eli, which revelation indeed, came true. It must be held to account for the source from which Micaich was able to tell Ahab so truthfully the fate that awaited him should he go out to battle with the king of Syria. If the sub-conscious mind and telepathy account for the numerous other communications in the Old Testament, then they account for the wonderful things given to the world recorded in the New Testamant.

It is long since man was first told to know himself, and certainly I agree with Dr. Hudson, that he has been a long time in attaining his present knowledge. According to Dr. Hudson, man has two minds; his objective mind and his subjec-

tive mind. and that as a rule, they are entirely unacquainted with each other. I have always believed, and still believe, that man has a natural and a spiritual body; that the spiritual body may be denominated the soul, the eternal principle of life, which gives the soul of man his spirit, and that, that spirit is immortal and indestructible. I have never believed, nor do I now, that man has two minds. I believe he has but one mind, and that which Dr. Hudson and other scientists denominate the "Sub-conscious Mind," or "Subliminal Consciousness," or the "Subjective Mind"—is part of the one mind, which has the capacity to observe more than one thing at a time, and that it may be used to do more than one thing at the same moment; and that while a man may centre his mind and reasoning faculties upon one thing, he is also conscious of numerous other things which are transpiring around him. They leave their impressions, and may be recalled but not so readily perhaps, as those objectively graven upon that part of the memory which is most in use. The different faculties of the mind are not uniformly developed in any one person. In some they are virtually atrophied for want of use, while others are abnormally keen and sensitive. Carried to its legitimate conclusion, Dr. Hudson's theory finds, that the Subconscious Mind is devoid of the power of reasoning synthetically; that it cannot reason inductively; that its processes are deductive or syllogistic. Therefore, the mind which he has used in writing his paper is the Objective Mind, possessed of the double power of reasoning inductively and deductively, and that this faculty has come from the necessities of pre-existing conditions, and possessing these powers man becomes morally responsible for his mistakes and errors. In the main I agree with him. He holds in his treatises, that "the Objective Mind, is merely the function of the physical brain, while the Subjective Mind, is a distinct entity, possessing independent powers and functions, having a mental organization of its own, and capable of sustaining an existence independent of the body. In other words, that it is the Soul." (Law of Psychic Phenomena, p. 30.) He also holds, "that man in his normal condition, is not controllable against reason, positive knowledge or the evidence of his senses by the suggestions of another." Also, "that the Subjective Mind of man in the hypnotic state, is unqualifiedly and constantly amenable to the power of suggestion," (i. d.) con-

sequently, that the Subjective Mind always accepts as true every suggestion, and acts from that consideration, no matter whether true or false. He claims to sustain this by hypnotic experiments. I admit the facts he cites in support of his various theories, but not all of his conclusions.

He claims, and I agree with him, that we have cases of Auto-Suggestion or Self-Imposed hypnotic conditions, but we do not agree as to the extent to which it can be carried. This occasion does not afford the opportunity to answer many of the arguments advanced by Dr. Hudson, to maintain his theory that all of the phenomena of alleged supermundane sources, can be otherwise accounted for by telepathy and the wonderful operations of the Subjective Mind. If he fails in any one instance, then the rule he has invoked against the ghost will fail, and the ghost will be in evidence; for good rules work both ways; there are no exceptions.

The interesting feature in connection with Dr. Hudson's theory, which I shall here avail myself of, is that he has unquestionably demonstrated to his own satisfaction in his treatises, the existence and immortality of the soul of man, without resorting to any of the phenomena of the Spiritualists. It then follows, that this world since it became generative and life sustaining, has been producing and multiplying life in various forms, the physical part alone being visible. That life, soul and spirit, like all the potencies in the universe are invisible to us in our normal conditions, he must admit. The spiritual part of man he concedes, passed out of the body unobserved, and that it has an abiding place somewhere, he cannot and will not deny. That the Heavens or the Earth, and probably both, are the abodes of these spiritual beings, it seems to me must be admitted. That passing from the material world to the world of spirit, should destroy the identity of, or the affectionate nature of the spirit of man, he does not anywhere contend, but argues the reverse. (See laws Psychic Phenomena, p. 401, &c.) Therefore, the present population of this world is an insignicant number, compared with the countless hosts in the other world.

We start with these facts conceded. 1st. The existence of man, an embodied spirit, certain to become disembodied through death. 2nd. We will accept Dr. Hudson's scientific demonstration of the future life as established by his process of reasoning by inductive, deductive and synthetic

methods, and that the soul of man lives on, and is "Over There," or somewhere, in constant evidence to those who are conscious of its presence, in the same sense that we are conscious of each other. Now, his position is, that his method is the scientific method, and the one method by which the existence of the soul of man after death can be demonstrated scientifically. I take issue with him. I deny that the other phenomena is devoid of evidential value. In his article contained in Harper's Magazine, he says: "A moment's consideration will reveal a clear line of demarcation between those phenomena such as rapping, table-tipping, levitation of ponderable bodies without physical contact or mechanical appliances, slate writing, et hoc genus omne. It is not, however, necessary either to doubt or deny that these phenomena are produced by super-normal means except for the purpose of assuming to be ultra- scientific; nor is it necessary to believe in their genuineness; for they all may be fraudulently produced; or they all may be veridical without affecting the question of spirit intercourse."

I would like to discuss fully his position as to this class of phenomena, but I shall refrain from doing so at this time.

I have in this paper assumed that Dr. Hudson will here take the same position, and advance the same or similar arguments contained in his contribution to Harper's Magazine of August, 1900. In this he assumes, First, the integrity of the medium, and Second, the medium believes the communications to be what they purport to be. Third, the medium is unconscious of having any part or lot in determining the contents or character of the communication, or, of possessing any psychological power or attribute that would render unconscious participation possible. Fourth, that the medium normally possessing no dramatic power, often personates soi-disant spirits with wonderful accuracy, often imitating voice, gesture and mental idiosyncracies of the supposed personality. Fifth, the alleged spirit often manifests mental and normal characteristics, antipodal to those normally possessed by the medium, etc.

He then admits, that if unexplained, those statements, if true, go far towards establishing the validity of the claims of the spiritists. He then says—and let all the world take note,—using his language: "It would be foolish to deny the facts since they can be so easily substantiated." But, he

says, "in view of the discoveries of modern science, the spiritistic theory is no longer tenable. That is to say,—the phenomena can now be accounted for by reference to known psychological laws." He says we shall have no difficulty in finding a solution for all that is mysterious on principles of Natural Law, with which scientists are now well acquainted, principles which are perfectly consistent with the integrity of all concerned, which, "obviates all necessity for seeking a solution in the realms of the supermundane."

He then asserts, that the "solution of all this phase of spiritistic phenomena is found in the Law of Suggestion." That "this law is known to every psychological student, except perhaps a few scientists who are committed to the spiritistic hypothesis." For their benefit he explains what that law is. Briefly, it shows that if a person is hypnotised, the subject is under the control of the hypnotist; the hypnotist has control of the objective mind of the subject, he will have virtually dispossessed it and the subjective mind of the subject is amenable to the law of suggestion, and in that condition, the subject does all the wonderful things any spiritual medium ever did or can do, in addition to all the hypnotic subject has ever done. In aid of his theory of explanation he brings Telepathy and Clairvoyance. The first being the transmission of thought by mental processes alone, and the other the spiritual vision, of what he denominates, the Subjective Mind. I assume that he includes Clairaudience, which is the hearing of a spirit voice, not audible to others.

I find Dr. Hudson's theory admirably presented in his works; but he must admit that the whole of his argument is equally as consistent with the possibility of Spirit Suggestion, as it is to that of a mortal. He does not explain the conduct of the medium, nor the source of the communication, when there is no visible being present to suggest to the psychic the presence of the invisible one. What he attempts will be noted.

Now I will say frankly, that for nearly twenty-five years, I have lived in close relations with some of the best psychics in this country, and am now, and have been intimately acquainted with many from other countries, and Dr. Hudson does not account consistently and rationally for much of the phenomena I have witnessed. The rational and consistent method of reasoning upon which he relies, fails to bring me

to his conclusions, for to my mind it has the fault of being neither. Let me give an instance which came under my observation. Something over twenty years ago, a lady of my acquaintance became conscious of some uncommon manifestations in her presence, and suddenly developed clairvoyant and clairaudient powers. In attempting to examine into the phenomena of the Spiritualists with a view to explain them, and explode the spiritistic hypothesis, I became convinced,by some of the most startling phenomena occurring in my presence, which I shall not here describe. I became convinced of its super-mundane source and that I was wrong, and like Paul, I asked, "Lord, what will Thou have me to do?" The answer came, "Wait, and it will be shown to you." Some days later this lady became entranced in my presence, by what claimed to be the spirit of a man, who in this life was a sailor; who during the early part of the Rebellion, had commanded a vessel in the government service; he said he died in the early Sixties, of asthmatic consumption, in the vicinity of New York, aged upwards of sixty years. To certain questions which I put to him, he refused to give me answers, but as to the place of his nativity, his relatives, many of the incidents and hardships of his early life, of his going out to sea on a whaling ship from New Bedford when a little boy. of the brutality of his captain, of his leaving the ship in a foreign port and being taken up by another captain and taught navigation, and of numerous events in his life, he then told me. He said he had been brought to the lady medium by a daughter of mine, who had been then a good many years in the spirit world, having died in infancy. That he came for the purpose of taking charge of the young medium, of giving to me counsel and warnings insofar as he was able, and that thereby he would help me and advance himself spiritually. He made plain to me, what he required, but required that I should be as faithful to him as he would be to me. He required that I should be kind and charitable, that I should bear testimony to the truth as I found it to be. I have tried to do so, and I shall be astonished to find that I have been deceived and have been misleading others these many years.

Having now been for so many years living in the midst of convincing phenomena, and having thousands of times been wisely advised and deservedly censured and admonished by him, I did not take any steps to verify the truth of his state-

ments as to his identity, or any of the incidents of his early life, until last September, when I went with this lady to New Bedford, Massachusetts, for that express purpose. We had neither of us ever been there, and had no acquaintances in the town. You will pardon me, I hope, for being a little explicit, for in this experience I am confirmed in my position, and meet the argument of Dr. Hudson and other supporters of the telepathic theory. Having alighted from the train, we stepped aside, and I then said: "Now, Captain, we are in your hands, and we want you to do what you can to verify your statement? He immediately replied through the medium: "Do you realize what you ask of me? Do you consider that it is ninety years since I lived here; that I went away when a little boy and seldom came back, and never to stay, and that I have been now away from here entirely, over sixty years; that all I ever knew here are dead long ago? Well, I will do the best I can. We lived in a place up back on the hill called Spruce Lane, now Spruce Street; go there." I went to a coachman and asked him if there was a street called Spruce Lane or Spruce Street in the city. He said, "yes, over back on the hill is a little street by that name." We went then to a hotel and got our dinner, and while there he told us of the name of a former owner, and of the changes that had been made in the hotel. All was true. We then took a coach and drove to Spruce Street. On our way he pointed out, and said through the medium, that where now are paved streets and blocks of houses, when he was a boy, there were open lots, criss-crossed with paths. When we drove into Spruce Lane, he found all was changed; the little house where he said he lived was gone. "Go," said he, "to the grave yards, first to the new one, and look at the tombstones. I will tell you the names before you go of some I knew and who are buried there." He gave us the full names of those persons and the relations they bore to each other. Some of these persons he had mentioned to me in Brooklyn, more than twenty years before. We entered the cemetery and found them as he had given them to us. "Now," said he, "go to the old Second St. cemetery where mother was buried." I asked the driver if there was such a cemetery and he said "yes." Now, twenty years before, in Brooklyn, he had told me of the sad life of his mother, and of her death in want, before poverty drove him to sea. He spoke of his de-

votion to her, and that when she died, a friend by the name of Spooner had given her a burial place in his family plot. That stones were erected in the plot with the name of Spooner inscribed thereon, but that only a piece of board with her name was placed at the head of his mother's grave. When we reached the old cemetery, we found it closed by a high fence, and the gate locked, but standing by the fence he pointed out to us, one hundred feet or more away, the place of his mother's burial, and we could read the name of Spooner, upon the stones in the plot he pointed to. On our way to the cemetery, he told us that his mother attended a little Mehodist church which we would pass, unless it too was gone. Directly we came to a new but small church, which had succeeded to the old one he had attended. Of that little church he had spoken many years before. We could only remain a few hours in New Bedford, and anticipate going there again to complete the identification of this spirit, whose name while here, was John Taylor, Taylor being a very common family name in New Bedford. The first time this spirit came to me I was alone with the medium, in Brooklyn. His existence was utterly unknown to us. To set the Law of Suggestion at work, there must be a suggester. Who was the suggester in this case? I claim to have obtained some evidence to corroborate his claim to having once lived in New Bedford. From whose subjective mind came the idea to this lady of a sailor by the name of John Taylor, who was born in New Bedford, and all this story of his life?

I have stated a case of facts known neither to the medium nor to any person present; those facts have, to a certain extent, been verified. Will the doctrine of telepathy account for it? If it does, from whence did the telepathic thoughts proceed? They must have originated in the mind of some absent or present person in mortal form, or from some absent or present being in invisible form. They could not have originated in either the mind of the medium or my own. In the absence of any other known method of communicating the name of this personality, and his having put in an appearance declaring his identity and means of determining it, is there any presumption raised that he is what he purports to be? It is true, the medium was not in her normal condition, when he first appeared. The question arises:—is that abnormal condition a manifestation that she is for the time

being possessed of a separate intelligence? The fact that truthful statements come through her lips concerning matters of which neither she nor I ever had any knowledge, is very conclusive evidence that the communications are from some other intelligence. If they are not from such a personality, the question is presented: Is it possible that the communication could have originated from any other source? If so, from what source? Has Dr. Hudson anywhere explained? If he can't explain, then the argument is against him and his various theories fail.

I have noted with much interest, that he quotes in his article in Harper's Magazine, from Mr. W. F. H. Myers, recently deceased, saying there is a small percentage of messages apparently telepathic—containing,—that is to say, facts probably unknown to the autonomist, but known to some living person in his company or connected with him. He admits that Mr. Myers, after careful investigation, has committed himself to the spiritualistic theory, and says, he has so quoted him because, he is one of the ablest and fairest of the Psychical Researchers who have committed themselves to the spiritistic hypotheses; and because, he distinctly recognizes telepathy as the obvious explanation of one class of messages, and for the further reason,—using his own language,—"that inasmuch as I shall endeavor to make it clear that all that is mysterious in any of the above named classes of messages is easily explicable under the telepathic theory. I wish first to show definitely the point where our paths diverge. This parting of the ways occurs when the third class of communications is reached, namely, those containing facts known neither to the medium nor to any other person present." He then says that it is at this point that the issue is declared between the two hypotheses—the spiritistic and the telepathic. On one hand, spiritists decline to accept telepathy as a possible factor in the case, if anyone having knowledge of the facts related by the medium is actually present at the sitting. On the other hand, the advocates of the telepathic theory of explanation hold, that if any living person who is in telepathic rapport with any one present, has knowledge of the facts related, we are logically compelled to accept the telepathic hypothesis. This, of course, involves the denial on the one hand, and the affirmation on the other, that more than two persons may be concerned in the trans-

mission of a telepathic message, and it is upon the settlement of this question that the whole controversy hinges. Reduced to its lowest terms, the question at issue may thus be stated affirmatively: "If A can by any known means of communication convey a message to B, B can convey the same message by the same means to C, other things, of course, being equal." He says, the truth of this proposition, seems to be self-evident. Therefore, the proposition advanced by Dr. Hudson amounts to this: that if Jones had known John Taylor in New Bedford ninety years ago; had told Smith about Taylor, and Smith had told Brown what Jones said to him about Taylor and Brown had told Greene what Smith said he had heard about Taylor, and Greene had told White what Brown had told him he had heard about Taylor, and Wite was acquainted with the medium, but had never told the medium what he had heard about Taylor, the doctrine of telepathy, would account for all that came through the lips of the medium, as purporting to come from John Taylor himself, in regard to the incidents of his early life, his career and death. You must bear in mind now, that suggestion apparently plays no part in producing the communication, because White, who knows the medium, is not present; is perhaps a thousand miles away,—knows nothing about what is transpiring, and consequently, cannot suggest to the medium that she should communicate even the name of John Taylor, or attempt to play the role of a sailor. But, in the case I have stated, even White is unknown to the medium, for no person has ever come in contact with her or me, who knew or heard of John Taylor.

Telepathy carried to its utmost, is only the transmission of thought from one intelligence to another. To account for all such communications, involves the necessity of there being several intelligences transmitting the successive statements to the medium, and the medium responding by giving expression in language to them, and they must all be incarnate, otherwise, the spirit hypothesis is involved. The most that all the experiments of the Psychical Research Societies have accomplished, is to establish the possibility of telepathic communication between one mortal and another. The moment it becomes the method of communication between a spirit and a mortal, the spiritistic theory is established and the ghost, becomes an important factor. Telepathy,—signi-

fying thought—transference,—is inapplicable to express the interblending of minds in the manner suggested by Dr. Hudson. That is not thought transference. It becomes the commingling of the mentalities of several persons, whereby they become for the time being at least, common, while the mind of the psychic, like a burglar in a man's house, steals and carries away the secret and priceless jewels of his victim's life. There is a little truth, and much error in the idea presented. There is a time coming, when man will no longer hide his sins. It is not now. Thought transference is a common language between discarnate spirits. It is possible to a very limited extent between mortals. It is greater between spirits and mortals, when the latter are in a receptive condition, as in moments of repose. Test mediums in an entranced condition, give by clairvoyant powers, and by the aid of discarnate spirits, communications from spirits, and often what only comes from clairvoyance, or soul seeing.

Let us glance for a moment, at the distinction between suggestion to a hypnotic subject and trance-communication. The hypnotic subject is first hypnotized. We will take Dr. Hudson's illustrations. The subject is told by the hypnotizer that he is President of the United States. He will act the part with wonderful fidelity to life. He is told that he is in the presence of angels; he will be profoundly moved to acts of devotion. If the presence of devils is suggested, his terror will be instant and painful to behold. He may be thrown into a state of intoxication, by being caused to drink a glass of water under the impression that it is brandy. He may be restored to sobriety by the administration of brandy, under the guise of an antidote for drunkenness. (p. 31) Law of Psychic Phenomena.

Without hypnotizing a subject first, he can be made to believe none of these things. There is no spirit medium in a normal condition who can be thus imposed upon; nor is the entranced medium subject to the Law of Suggestion. The partially entranced medium does not suppose nor believe himself or herself, to be other than what he or she actually is. If fully entranced, the medium is utterly unconscious of what is transpiring around her, but the entranced spirit reasons cogently, provided the medium is a fit subject for such purpose. It is a well known fact by investigators, that hypnotizing a person tends to aid in the development of mediumship

as stated by Dr. Hudson in one of his treatises. It is also well known, that in numerous instances, a spirit will step in and take possession of the hypnotic subject, who thereafter becomes a spiritual medium, and will defy the hypnotist to hypnotize the subject thereafter. Such possession by the spirit does not come from any Law of Suggestion. It comes against the suggestion and desire of the hypnotizer; and the subject, knowing nothing of spirit phenomena, could not suggest, and would have been terrified at the thought of being possessed by a spirit. The hypnotizer is an embodied spirit —a man—and is visible. The spirit, is a disembodied man, and is invisible to the hypnotist and probably to the medium as well. He is on another plane of existence. If a man can hypnotize a subject, so he must do the strange things these subjects frequently do, it is quite rational to suppose, that a spirit, possessing a spiritual body, mental force and energy more potently now than when in earthly form, might actually entrance the subject, and become almost the personality he was in life, using the organism of the subject to give expression to his thoughts and acts. There is nothing imaginary about it. Because the hypnotist can delude his subject and make him the victim of practical jokes, as well as impractical ones, and can open up the powers of what Dr. Hudson calls the "Subjective Mind," bring back all the memories and impressions obtained in a lifetime, so that they can be used by the subject in playing the part assigned him, is no argument whatever, that the phenomena of entrancement and inspiration, can be accounted for upon that hypothesis.

Dr. Hudson's position, involves a telepathic linking of minds, in the same manner, measurably, as telegraphic lines are connected, and they thus encircle the world. But the forces at work are entirely unlike. In the one case, an inanimate substance vibrates the sounds of the transmitter's hammer or voice to the receiver at the other end of the line. There are only two mentalities engaged in communicating, one at each end of the wire.. One knows just what the other transmits and no more. In the telepathic process, involving the connection of several distinct mentalities, in each instance, according to Dr. Hudson's theory, the psychic becomes in rapport with the subjective mind of each person, out of which he calls forth from the memory of each—and each containing millions upon millions of impressions and resol-

lections,—that which now enables a psychic to give to the receiver and all others the name and history of John Taylor, the story of his life and death, and far more,—the names, vocations and relations of hosts of people to each other, who lived in the distant city when he was born. Those present having never heard of John Taylor, are astonished at his appearance, and after an acquaintance with him of over twenty years, in which time the psychic can hear his voice, and at times discern his spiritual presence, the telepathic theory of Doctor Hudson is submitted as overthrowing the spiritual hypothesis.

Quoting a familiar Latin phrase, it is "*reductio ad absurdam.*" But I recall more cases of personal experience, which I wish to relate, bearing directly upon the points in controversy. Fully twenty years ago, a spirit entranced this same medium, when she and I were alone, and announced himself as Dr. Morse, giving his full name, and stating to me that he had died a number of years before in the city of New Orleans, where he had lived and practiced his profession, and where he had a family still living. He said that he had been prominently connected with the hospitals in New Orleans, and had a very extensive practice, saying, that he probably had occasioned the death of some patients, but that he had assisted a great many, and had done the best he could. I was not well at the time, and the medium herself was in poor condition of health. He said that he had come to be of assistance to us, and while he did not propose to interfere unless it was necessary, with the treatment we were receiving, he would stand by and warn us of mistakes insofar as possible. He was very faithful in coming to us, and gave me very salutary advice in regard to my health. Upon one occasion the medium, whom I may say is my wife, was in a very weak condition. She had ascended a flight of stairs to her chamber, when I found her suddenly entranced of Dr. Morse, who directed me to give her a spoonful of brandy as quickly as possible, for she was on the point of passing out of her body. Her face was deathly pale and I hurriedly gave her the barndy. He directed me to place one of my hands upon her forehead, and the other upon the back of her head, while he would hold control until she had rallied. This was done, and in a short time she rallied, and her heart resumed its wonted action, he directing me to sense her pulse.

At the time of the Exposition in New Orleans, being in poor health, the medium and I went to that city and spent a few days. As we approached the city, she informed me that she felt the presence of Dr. Morse very strongly, and presently became quite interested in everything to be seen around us. She pointed out the locality in the city where Doctor Morse had lived, and said she could go directly to his house. Up to this time, I had taken no steps to verify what I have here stated. Arriving at our hotel, I visited a drug store, questioned the druggist as to whether such a person had ever lived in the city, as this Dr. Morse, and I received the fullest verification of all he had told me, even to the location of the house where he resided, which was in the section of the city indicated by the medium.

It is a fact well known to spiritualists, that through the personality or aura of a medium, the spirit can get in rapport with the medium, so that the spirit can see again upon the earth as if still in mortal form. Consequently, the opportunity was afforded Dr. Morse, he being in rapport with the medium, to look again upon the city and its surroundings, with which he had been so familiar many years before. The medium had this consciousness of his almost constant presence with her during our stay there. I regret to say that she became rather tired of it, and one day, while we were sitting outside the Exposition grounds on a settee, she arose and remarked: "I wish Dr. Morse would go away from me. I cannot take a step but I feel him stepping beside me, and it begins to annoy me." I instantly arose, considerably vexed at her remark, saying: "When you have been ill, Dr. Morse has been on hand to save you life. When I have been ill, I have had the benefit of his wisdom. I think you and I can both stand a good deal of Dr. Morse, and you should make no such remark as that." Immediately, the firm pressure, as of a hand, was upon my shoulder, and imagining somebody whom I had not seen was present, pushing me, I hurriedly turned, asking who pushed me but saw nothing; we were entirely alone insofar as I could see; but I knew what it meant, and I knew that the remark had deeply wounded our kind friend.

Telepathy, suggestion, clairvoyance and clairaudience are submitted as sufficient explanation of these remarkable manifestations. One other instance and I will finish my illustrations.

Some eighteen years ago the medium and I were quite intimately acquainted with a Dr. Howard, his wife and family. During our absence of a few weeks from the city, his wife had died, and had been some six weeks in the spiritual world, at the time the incident I am relating occurred. The medium was entranced of one, who had represented herself as the spirit of a little girl, whose name was Daisy Crandall. She had come to us many times, and is still part of our spiritual family. Several friends were present when she spoke hurriedly saying: "Why, here is Mrs. Howard. She says she has just come from the doctor's house; that the house is on fire, and that she was frightened, fearing that the old doctor would be burned up." It was a pat statement, and quite startling. I remarked: "I hope Daisy, you are not mistaken, for you know very well that the medium knows nothing of what you say, and if it turns out that there was no fire there, it would be very annoying to her." She became immediately indignant, and asked me if I supposed that Mrs. Howard would come there and tell a lie. I meekly replied ,'No, but I didn't know but that there might be a mistake." She reiterated that there was no mistake. She believed what Mrs. Howard said. I said nothing of the occurrence until after the company had gone. When I told the medium of what had been said through her lips, while she had been entranced, she became very much excited,—stamped her foot, and said that no control should put her in that position, for she did not believe there was a word of truth in the statement. She had hardly gotten the words from her mouth, before the spirit returned, seizing control of her, and sitting down, she burst into tears and said to me. "Tomorrow morning I want you to harness the horse and carriage, and take the medium down to Dr. Howard's house, and I will tell you just what you will find there. You will find that the fire engines were there. that they put water in through the house; that it came down through the ceiling; that the bedding was on fire, and that they threw the mattresses in the back-yard, and say to her when I am gone, that she must not question our truthfulness, for we do not lie." I did as requested. We drove down to Dr. Howard's; he lived in a brown stone house on Bedford avenue. As I drove up to the curbstone, there was no sign of fire in the front part of the building. The medium immediately exclaimed: "There, I told you so." I

said, "Wait." I ran up the steps and rang the bell at the door. The call was answered by the doctor himself, and the moment the door was opened, the work of the flames and water was before me. The doctor at once stated that fire had broken out the night before, and he came near being burned up. I hurriedly ran through the hall of his house, looked out on the back window of the parlor, and the mattresses were still smouldering in the yard, and the ceilings were soaking with water.

I might multiply instances of similar occurrences, but I have stated sufficient, and Dr. Hudson and scientists who support his theory of explaining these remarkable phenomena, must present something more convincing as to the truth of their position, before I shall give up the happy consciousness in which I have lived so many years, that the spiritual world is around us, and our departed friends are not dead but can come to us.

It will be noted that Dr. Hudson has avoided entering into that domain of phenomena of a physical character, which he says may or may not be explained, as emanating from spiritual sources, but, because it can be duplicated by the application of known principles of natural law as evidence, the evidence that it emanates from a spiritual source is destroyed. I wish simply to say, that I have witnessed manifestations that cannot be duplicated through the application of any of the known principles of natural law, as I understand he desires to use that expression. As for myself, I regard the reign of natural law as supreme, and if God does not manifest himself through the laws of nature, then God,—if there be a God,—must be outside of nature's domain. I am a theist. I believe in God, but this is outside of the issue between us.

I note in his treatises that Dr. Hudson seems to endorse as truthful, the record of the remarkable powers possessed by Jesus, when he cast out evil spirits which had possessed some of the unfortunate psychics of those times. Dr. Hudson is a naturalist. I don't apprehend that he believes there are any spirits in the spiritual world, that have not come up through the processes which he has pointed out in his work, from the oversoul of the universe, having become first men and women, and then, through the process of death, spirits—angels. That some of the spirits passing from this to the other world are good and some are evil cannot be questioned, for death

cannot be presumed to have changed the nature of a man nor the moral character of a person. If, therefore, the Master exorcised Mary Magdalen from the evil spirits possessing her, it necessarily follows that such spirits exist in the spiritual world, though invisible to mortals, and may work evil and good through them, as opportunity is afforded.

There are other features which clearly distinguish spirit control from hypnosis; and in passing it is important to state, that Prof. Carpenter, the famous hypnotist, mentioned by Doctor Hudson as assisting in his investigations, was a spiritualist. His wife was a medium, and I learned from his own lips, that his life-long study and practice of hypnosis, as well as his study of spirit phenomena, enabled him to unmistakably distinguish a case of spirit control from one of hypnosis.

The controlling spirit does not believe that he is the medium, or that the medium is the spirit; and in many instances in my experience, which is true in that of a thousand other investigators, the first time a spirit effects control, much difficulty is experienced. The medium will complain of strange sensations as she lapses into unconsciousness, frequently moans, and is ubject to convulsive action and is liable to fall from her chair. This is almost invariably preceded, by the symptoms of the condition of the spirit, just before and at the time of death. These manifestations are often painful to witness. They are never manifested in a case of hypnosis, nor of hypnotic suggestion, without the direct intervention of the mind of the suggestor, bringing about these conditions.

It is an exceedingly common occurrence, in the case of spirit control, for the spirit to express astonishment, at the strange circumstance in which he is placed; if it be a male spirit, talking through a lady medium; or, if the control is a female spirit, the same astonishment is expressed, that she is using the organism of a man to give utterance to her thoughts.

One may very naturally suppose, in the case I have mentioned, of our visit to New Bedford, that the return of the spirit to the place of his nativity, where the incidents connected with his early life transpired, many of which were exceedingly sad, would occasion emotions which would be thrown upon the medium. In this case, the medium retained her normal condition, and carried on a conversation

with me, she giving utterance to what she clairaudiently received from him.

So strongly did she sense his emotions, that she became at times greatly agitated, as a sensitive naturally would, sensing the emotions of one revisiting the scenes of his childhood under such circumstances.

As we were turning out from Spruce Lane, she suddenly turned and exclaimed, "He says here is where old Aunt Margaret lived, who gave me a sup of milk, and a piece of bread and butter when I was hungry." She choked with emotion, and tears were flowing. Similar emotions were manifested at the grave-yard, when looking out upon the place of his mother's burial.

Before we entered the cemetery I have referred to, among the names mentioned by him, of people whom he had known in life, as being buried there, was one by the name of Benjamin Tripp. We found the tombstone containing this name of Benjamin Tripp, Jr., not far from the entrance, giving the date of birth as October 19, 1806, if I remember correctly, and the date of death, August 17, 1879. I cannot give all the names and incidents from memory, but I have a memorandum of them which is not at hand.

We supposed that the Benjamin Tripp whose grave we had found, was the one he referred to, but he corrected us and said, "No, this was the son of the man" he had known, and we presently found the grave of Benjajmin Tripp, who was the person whom he had known in his early life.

Most persons have experiences of their own of a telepathic nature. It is a common occurrence for the thought of a person to precede his coming into our presence. There is a cause for this. We are as lighted candles, giving off something of our being wherever we go, as a candle does light. The material objects which are so real to us, afford no barriers to the penetration of that strange, invisible something, which characterizes the personality of us all, and goes with, and precedes us through life.

Thoughts have been said to be things. At any rate, the language we use is the best method we have, though feeble indeed, of giving expression to our thoughts. I have been taught that telepathy—or thought transference,—is a common method by which spirits hold converse.

Your candle throws out a peculiar aura, which is known to your friends, which interblends with that of theirs, which immediately suggests to your friends your approach. A thought is born which is followed by your coming together. This illustrates in a general way one phase of what is denominated Telepathy.

The Society for Psychical Research, has experimented extensively to find to what extent thought transference could be carried. For instance, they place a subject in a room alone, with pencil and paper to draw or write as he may be impressed; the operators go into another room and concentrate their thoughts, perhaps upon a picture, and mentally suggest the picture to the subject, and it has frequently occurred that he has drawn a similar picture by himself. This is telepathic suggestion. A thought may be thus projected, but it has not been found possible thus to communicate a discourse to the recipient.

The organs of sight and hearing are simply nature's methods of communicating to our inner-consciousness, surrounding conditions, and the discoveries in regard to the response of these organs to the vibrations of light and sound, are adding to the wonders that are being unfolded in regard to our own being.

Clairvoyance and clairaudience, possessed by sensitives, and in certain conditions at times by numerous other persons, have demonstrated the possibility of discerning events transpiring in very distant places.

In my publication of the life of Mollie Fancher, I recorded numerous instances of her manifestation of these powers.

And if it be true, as demonstrated in her case, and in thousands of other instances, that the clairvoyant can see beyond the walls of her enclosed room, out into the street, and witness what is transpiring, she is also entitled to the credit of speaking truthfully when she declares, that she see the spiritual forms of her departed friends, as from time to time they present themselves to her, intangible though they be to the mortal touch, they are nevertheless there to her spiritual vision. She has the absolute consciousness of their presence. We may be sure that whatever transpires, either in this or in the Spiritual World, will take place in harmony with the principles of Natural Law. The great trouble with

humanity is, that it is often ignorant of those principles, and hence this discussion.

If the illimitable linking of minds as claimed, is possible, so that they can be thus brought into harmonious connection then Telepathy will deserve to be called, Omniscience.

The mind may be capable, in the infinity of time which is before us, of unlimited comprehension, but that it is possible for individual minds to become so connected, that the knowledge possessed by each may become common, is something which cannot rationally be accepted.

If science is reduced to such straits to disprove the spiritistic theory, then science is in distress, and may be excused for grasping at straws.

In his argument, Dr. Hudson has combined truth with error, and asks us to accept his presentation of it as being wholly true. I have no doubt of the correctness of some of his conclusions; but his weak points are distinct.

The stone that the builders rejected has become the Head of the Corner, and the Temple of Spiritual Truth is becoming a mountain which shall fill the whole earth. (2nd ch. of Daniel.)

Great cowardice is manifested by most Christian teachers in ignoring that part of the teachings of Jesus, and of Paul and other early writers concerning spiritual gifts. If they read those passages, they avoid a senisble interpretation of their true meaning, and also of much that has come to us of what Jesus taught, and of what Paul and other of the apostles and disciples wrote.

The vile purpose to which psychic powers have been put, is no justification for condemning all psychics as unworthy persons, nor their communications as untrue.

The application of that rule to other matters would not be tolerated. None will claim, and neither do the controls themselves claim, that they are not liable to error. Truth will ever be attained under difficulties, and what is apparently true, must stand as true until proven otherwise.

We have before us a great realm for investigation, and we are wonderfully assisted, if we know we have co-operation on the "Other Side," to assist in opening communications between the visible and invisible realms.

The puerile character of many of the communications coming from trance mediums, as well as their untrustworthiness,

being frequently by language, diction and thought totally unlike what might be expected from those from whom they purport to emanate, warrant the conclusions usually formed, that they are untruthful, and disgrace the cause so strenuously advocated by Spiritualists. These criticisms are warranted, and I shall say little to excuse or palliate them, no matter from what source they eminate. These conditions are not new (See II Chron. 18 c. 19-22.) I will quote one verse:

"And he said I will go out, and be a lying spirit in the mouth of all his prophets. And the Lord said, thou shalt entice him, and thou shalt prevail; go and do even so." (See Luke, 7 c 21 v.:8 c. 2 v.; I John, 4 c. 1 v.)

Who could expect to transmit through the undeveloped brain of an illiterate medium, the language and lofty inspirations of a Webster or Beecher? The communications usually are characterized by the personality of the mediums; and those ignorant of the laws of spirit control, at once condemn the whole as fraudulent. Not until the brain of the psychic is well developed, and can respond in appropriate language to the thoughts of the controlling spirit, will trance-mediumship attain the eminence to which it is destined. Testing the truthfulness of every spirit before giving it absolute credence, is always advisable.

For long periods of time, Jewish history teaches that the voice of prophets was still, and the people longed for one to rise, to whom they could go for consolation in distress, and for wisdom when perplexed with doubts. Joel said, "And it shall come to pass afterwards, that I will pour out my spirit upon all flesh; and your sons and your daughters shall prophesy, your old men shall dream dreams, and your young men shall see visions, and also upon the servants and handmaids in those days will I pour out my spirit." (Joel 2 c. 28-29 v.; also Acts 2 c. 17-18 v.) Following the crucifixion of Jesus, his disciples continued to manifest to the world the spiritual gifts which had been given them, but they were lost when the priesthood stoned and put the seers to death. How few clergymen will say to those who mourn for the dead, "I know there is no death to your loved ones. they live and can come again to you, and will abide with you if you prepare your heart and home to receive them." Christianity as taught by its founders is well, but it will never convert the

world while ignoring a part of the commands of the Master. The Seance Room should be the Holy of Holies; the most sacred of places. Spiritualists have made it a dark chamber, rather than a place of sacred light. They have made the phenomena an idol, and have cast Christ out of their synagogues. They deny God, and have substituted Nature in His place, and present the world with a Soulless Universe. No wonder people ask, "Can any good come out of Nazareth?" Yet, for all this, there will a time come, when some one will rise up and separate the pure from the corrupt, and by Works, by Faith and Truthful Teachings, bring the religions of the world into accord, and the human family into a Universal Brotherhood, through the serene spirit of Christ, which was before the earth was formed, and will continue, when it ceases to be the habitation of man.

ERRATUM.

In my illustration of Dr. Hudson's theory, that telepathy would account for the medium's knowledge of John Taylor and the events in his life, I have supposed a case to the effect that some living person, with whom the medium is acquainted, has heard from some other persons whom she does not know, all that she has given as coming directly to her from John Taylor himself. This illustration fails to make clear the stretch of credence. Dr. Hudson demands, as he claims that if Jones knew John Taylor in his -life time, and Jones knew Smith, and Smith knew Brown, and Brown knew Green, and Green knew White and White knew the medium, this linking of minds would account for the correct statements by the medium of the facts given by her concerning John Taylor. Dr. Hudson's claim is in effect, that it is only necessary that the first named of all these persons—Mr. Jones—should have known John Taylor, and that the last named, Mr. White, should know the medium. As already stated, the medium knows of no person through whom this connection can be made. A. H. D.

HON. LUTHER R. MARSH,
OF MIDDLETOWN, N. Y.

SPIRITISM; TELEPATHY AND MRS. PIPER.

BY HON. LUTHER R. MARSH, OF MIDDLETOWN, N. Y.

The Hon. Luther R. Marsh, who had been invited to attend the December session of the Medico-Legal Society and its Psychological Section, was unable to be present, but sent his views in the form of a letter to the President of the Medico-Legal Society as follows:

10 Benton Ave., Middletown, N. Y.
December 16, 1901.

My Dear Mr. Bell.—You know my views on Spiritualism, and you know something of the years I have spent in investigating its phenomena; of the unusual advantage I have enjoyed for its study; and you know, too, of the unmixed desire and intent I have had to learn the real, absolute truth; and you know what qualilcations I brought to the investigation.

I do not wish to discuss the Piper Episode. I have never regarded her as an uncommon psychic. I have never read any message through her, which seemed to me above the common-place. But she is perfectly honest, I have no doubt;—not the slightest. She believes what she says. When in a full trance she is utterly unconscious of what has been spoken through her; and when she comes to herself, she has no memory of what has taken place. It is natural that she should be incredulous. She cannot realize as true what she hears said as to what has been transmitted through her. I do not wonder at it at all; nor does her dissent, or her ignorance, have the slightest influence on me as bearing on the fact and truthfulness of her communications. That these messages have been given by a power outside of her own powers; that they are infused into her mind, or spoken to her inner ear, and that she has interpreted or delivered them, just as they were given to her, I do not permit myself

Read by title at December meeting, 1901, and announced to be read at March meeting, 1902, Medico-Legal Society in joint session with the Psychological Section of that body.

to doubt. That all the proceedings with her, and by her, including the entire conduct of the learned savants, who have sought her mediumistic aid, have been carried on in perfect integrity, and with an earnest desire to learn the absolute truth; and to avoid all fallacies and phantoms, I have no manner of doubt or of suspicion

The lessons learned from these laborious and long continued experiments, are valuable, instructive and true, beyond any hesitation of mine to believe. And yet they seem to me to be lessons in the incipiency of the Science, Religion, or Philosophy, as you may choose to call it. To me, it is all three.

The experiments which I have seen; the messages I have received; the scenes I have witnessed; the lofty and divine communications vouchsafed to me, are,—and for many years have been—of an order so superior, so much loftier in thought, in eloquence, in expression, to any thing I have heard as coming through the lips of this lady, that I have not felt much interest in the experiments through her, except as valuable to beginners in the study of the great mystery.

The universal assault upon me by the unanimous press of this whole country and of Europe, some years ago, in my first attempt to disclose something of my teachings to the world;—a journalistic cyclone of abuse, vituperation, misrepresentation, derision and caricaturism—while it did not disturb me at all, nor ruffle a hair, has disinclined me to put before the public the results of my experiences.

All deep occult ratiocination, all profound suggestions, all doubts of scientists, and speculations of philosophers, all arguments of skeptics, are idle talk to me, in view of what mine eyes have seen, my ears heard, my fingers touched, my judgment approved. I have confidence in myself. I consider that my education at the Bar, through more than half a century in investigating facts, in balancing proofs, in discriminating questions of principle, has given me confidence in judging of matters under my own personal cognizance. I do not ask anyone else to pin any faith in me. I am speaking of my confidence in my own capacity to judge for myself, and in my own pure integrity of purpose.

Science! I do not believe "Science is God," as I once heard a Spiritual lecturer declare. I honor science as highly as any one can. I acknowledge the countless blessings it has

showered on humanity. But, after all, what is Science? It does not create. It is a mere observer. It takes account of phenomena, and classifies them. That's all.

If God had not created Nature, Science would have had nothing to observe, or operate upon. There are different kinds of science; real science, and science, as Bacon said, "falsely so-called."

A great deal is said about a scientific investigation of Spiritualism. Every man and woman who has eyes, ears, and common sense, is a Scientist in Spiritualistic manifestations. Why cannot the subject be treated like any other? Why assume that, while, in the common affairs of life, every thing is as it seems, yet, every thing of a Spiritual nature is to be presumed fraudulent? I am bold and audacious enough to believe that I am as good a judge of what I see, and hear, and know,—just as wise and reliable a scientist in that respect—as if I had spent years on years in a careful examination of weights and measures, or in the mysteries of astronomy, botany, mineralogy, chemistry, mathematics, logic or any other science or art, known in the world. If I see a man, a woman, or know a fact, or witness a transaction, I do not need a learned student or professor to bring it clearly to my consciousness.

The proposition that seems to form the basis of Mr. Hudson's paper may seem justified to him, from the limited range of his inquiries and the lower order of his facts; from,indeed, the messages derived from Mrs. Piper, but, in my judgment it utterly fails in the vast experiences which have come to me.

His conclusion that all the messages received by sensitives have been telepathically acguired,and that, if the sensitive can telepathically impart them,it follows that"Spiritism,considered at a scientific proposition, has not a leg to stand upon; for not a case has yet been recorded that cannot be telepathically explained, if that simple proposition is true," is a statement utterly opposed, in all its parts, to my own experiences, my own convictions, my own knowledge. It cannot stand a moment. It has not even a toe to stand on. It is an assumption utterly unjustified.

Mr. Hudson's thesis is an evident attempt to maintain a pet theory; and though he sometimes seems to take an attitude of equilibrium, yet there constantly peeps out an animus of antagonism, and sneering insinuations, and unfair

suggestions, that prove the partisan nature of his argument. I have not time, dear Bell, to point out the unjust and partial allusions, assumptions and implications, and to show how one-sided the article is; nor to specify the wholesale assertions, wholly unfounded, from which I, a Spiritualist, most emphatically dissent.

Mr. Hudson assumes that no information has ever been given by a medium which did not exist, already, in the mind of the sitter; an assumption he has no authority for making. Then he assumes that what is in the secret and unsuspected recesses of the sitter's mind,can be,without the sitter's knowing of it, telepathicallv conveyed to the mind of the medium; who reads it out as a spiritual communication. This seems a desperate effort to evade an obvious fact; obvious to every one but a scientific savant. The medium, some way, by a telepathic touch, stirs into activity the endless arcana of knowledge that somehow got into the sitter's mind,—nobody knows how,—and wholly unsuspected by him, and lo! there is unfolded to her vision the whole domain, natural or spiritual, of all that was ever known. This is science run mad! The sitter, it seems, has two minds in one body;—in one spirit or soul;—one, an outside or overcoat mind, of very limited powers and accumlations, fitted only for ordinary transactions; the other, an interior, hidden, subliminal, subjective mind, filled, chuck-full, with all things that have ever transpired in the world, and in the spirit sphere, and which, like holding certain writings to the fire, come out in bold relief, though unconsciously, and while keeping the owner in Egyptian darkness, illuminates the medium. Why stop at two minds," as well, just as well, have many minds, one, say, for each phrenological bump. Yet when the partnership between body and spirit is dissolved, clairvoyants see only one form rise from the casket.

How the sitter,—who may pass for an ignorant, uneducated man, acquired, "unbeknownst" to himself, or to anybody else, these vast store-houses of knowledge;—having never bestowed a thought on the subject, in his waking moments, is a bewildering mystery. In the Piper case, she had, according to Hudson, an uncommon source of information in the well-stored subliminal mind of Prof. Hyslop, and, if so, some might wonder that she did not evoke some lofty spiritual thought, more worthy of record. Professor Hyslop

didn't know how much he knew! why should he spend laborious days and weary nights, in studying, when he has only to tap,telepathically,his own exhaustless, subjective stores,open his concealed knowledge box; lift his subliminal knowledge "above the threshold of normal consciousness," bring his secret information out of his subjective cellar into the light, and flood the world!

Much attention seems to have been given to minor material details, such as jacknives, nails, skull-caps, relatives, diseases;—things which it might be supposed would not be carefully carried in the memory of a spirit introduced into a new world, of a wholly different character, and with new surroundings and associates;—where such little immaterial details of an abandoned earth-life were not of the slightest consequence, and not worth remembering.

Give a man a chance to assume what he wants; to lay down his own premises; to set up his own man of straw; and feeble must be his muscles if he cannot demolish it with a blow. So, Hudson fulminates his broad assertions, unsupported by any authority but his own assumptions. In his views, how crystal clear it all is! Hyslop, all the time, had this information in the secret chest of his subjective mind; Piper points a telepathic finger at the lock, and out comes the overflowing knowledges to enlighten mankind. Euclid's demonstrations are unsatisfactory in comparison!

My Beloved Clark Bell,—a wee bit of faith—a mere suspicion of it—a soupcon—would not, it seems to me, do any harm, in the consideration of spiritual themes. But that is a quality which, I perceive, is wholly discarded, by these great intellects, which, as they think, are sufficient unto themselves. He, from whom these intellects are derived, is an unknown factor, in their discussions; His messengers are disregarded, and everything is brought down to a purely natural plane. One would not suspect, throughout the whole debate, that there was any God, or any spiritual intuition. A very respectable thinker,—one of remarkable spiritual insight,—once said:

"The natural man receiveth not the things of the Spirit of God, for they are foolishness unto him, neither can he know them, because they are spiritually discerned."

I do not present my views to you, Dear Clark, as having any reference to the Piper manifestations, or the Hyslop re-

port, for they all seem to me to be very inadequate, and not rising to the greatness of the theme, or the demonstrations of fact. And if Mr. Hudson had confined himself to an answer to them, I would not have troubled you with any expression or dissent of my own.

It is astonishing how ingenious men can confuse, distort and entangle the plainest facts. There seems to be nothing but what can be plausibly argued against. Specious arguments have been put forth, proving that Napoleon Bonaparte was a myth, never having had any real existence. But I have faith in the "Little Corporal;" and I have faith in the messages and manifestations I have received, through years, from the spirits of those who once lived on this earth plane in the flesh, and who now are residents of the spirit spheres. I see no explanation of them in telepathy, nor in the theory of subliminal consciousness, of subjective mind, of secret accumulations of knowledge, of strained and occult fancies, of bold assumptions, nor in the memory of the other mind, which, it is supposed, really exists, inside, outside, or alongside, of what we have been accustomed to consider as our only mind.

Strange how people will puzzle their brains, and sit up nights, to study out some mode of avoiding, paddling around, or explaining, the clearest, plainest facts of consciousness, if, only, such facts have any relation to that life to which all mortals tend!

My Dear Clark, I opened your package, this evening, and, taking up the galleys of Mr. Hudson's article, read it, and sat immediately down to the table, and hastily wrote down the foregoing suggestions started by his screed.

I then took up your own galley, and, if I had read that before, I probably should not have written anything on the subject.

I must confess myself somewhat surprised at your unqualified avowal in regard to spiritual manifestations.

But I have experienced the futility of trying, by argument, to convince anybody in spiritual themes. Each looks through his own lens.

Yours ever and most decidedly,

LUTHER R. MARSH.

H. C. WRIGHT,
CORRY, PA.

SPIRITISM, TELEPATHY AND MRS. PIPER.

BY H. C. WRIGHT, EDITOR OF ELTKA.

Mr. H. C. Wright, the editor of the Journal Eltka, who was invited to attend the meeting of the Psychological Section of the Medico-Legal Society in joint session with the parent body, unable to be present, responded as follows:—

Corry, Pa., Dec. 16, 1901.

Mr. Clark Bell, 39 Broadway, New York.

Dear Sir.—Your letter of invitation to attend the annual meeting of the Medico-Legal Society was duly received, and I wish to express my sincere appreciation of your kindness. I regret being obliged to state that it will be impossible for me to attend. The pressure of my work at present also makes it impossible for me to properly prepare a paper expressing my views and the evidence upon which they are based; this I would gladly have done had there been better opportunity. My conclusions have been arrived at as the result of personal experience and actual demonstration, rather than from book study; that is, I have endeavored to verify (or otherwise), all accounts before admitting them to my belief. I have studied and practiced hypnotism, in private, the past twelve years, and an important part of my experimental work has been with a "psychic" ("medium," sensitive," or whatever term you prefer) who is also unknown, in that capacity, to the general public (a gentleman, who, for sometime, was professor of Chemistry and Physics in the Meadville, Pa., High School). In our work we have reproduced, under absolutely satisfactory circumstances, practically all the phenomena mentioned in the paper by Camille Flamarion, which appeared in the December, 1897, Arena. Also have taken reports of the Society for Psychical Research, and in telepathic work have in some instances, we believe, improved upon them.

A part of my views might be briefly expressed as follows:

Either the theory of telepathy or the theory of spiritism will account for all the communications received by Mrs. Piper, and similar cases.

Telepathy, considered as communications between living brain, or action of the "subjective mind," can account for all communications, even for that which gives facts "known" only to a deceased person, because the fact may have been telepathically communicated to the "subjective mind" of living persons before the decease of first person; the fact being later communicated telepathically from the person who is unconscious of being the holder of the knowledge to the "sensitive" who is able to make it known.

The view as entertained by many, that the "sub-conscious mind" is under control of, or susceptible to suggestion from the "conscious mind" is, I believe, in exact opposition to the facts. I hold that the "conscious mind" is completely under control of the "sub-con-

scious;" or, to get nearer to my meaning, the "conscious mind" is not a thing in itself, but merely a manifestation of the "sub-consciousness."

In regard to Spiritism:

I believe that existence is perpetual.

That the change which takes place at death is, to our present mind, inconceivable.

That we do not take with us, in its present form, our mind, intellect, emotions, etc., any more than we take with us our present body.

That we do merge into a universal "consciousness" (though here the word "consciousness" cannot express the idea.)

That this universal (which already includes us), may and does manifest itself through "Psychics," like Mrs. Piper (and everyone else); and this manifestation is limited only by our ability to comprehend.

I believe "mediums," in their highest development, cease to be "controlled" by a "personality." (I think this will eventually be the case with Mrs. Piper.)

I will be pleased in the future to send you reports of experiments which we conduct, when they are of such a nature as to be of interest to you; and should you find it convenient to send me a report of the proceedings of the present meeting I should be greatly indebted to you.

I regret that I have not been able to collect a more valuable letter for you. Thanking you once more for your kindness, I am

Yours sincerely,

H. C. WRIGHT.

ELEANOR GRIDLEY,
CHICAGO, ILL.

PSYCHIC PHENOMENA.

SPIRIT COMMUNICATION VS. MENTAL TELEPATHY.

BY ELEANOR GRIDLEY, OF CHICAGO.

Mr. Thomson Hudson, according to his standpoint, has closed the gate of investigation, research and information from the premise of Spirit communication by first stating that all psychic phenomena is physical manifestation; or rather that all occcult phenomena is but the prescience of "the subliminal self" as Myers puts it; the power of the ego or higher self to know all things.

If this be so and this subjective self is omniscient, then why limit its power, simply to that period of time, more or less, in which it dwells or is anchored to its earthly temple? Does it not strike the thoughtful individual that anything so powerful can be constituted so ephemeral?

The Society for Psychical Research, composed of learned men—scholars—who are wont to weigh well, deep questions, have just finished a series of psychical investigations with Mrs. Leonora Piper as the pricipal witness in the case. These men who have investigated with rare earnestness, subject to rigid methods, which left no loop hole for careless or unscientific research to creep in, have many of them been converted to the belief that much of the phenomena was genuine spirit communication.

In the first place, let us reason together and try to discover what this subliminal self, higher self, or human Ego is; for if it is omniscient, able to impart information and capable of discrimination and discovery, then it should know its constitution, purpose and ultimate end, either through self-knowledge or absorption from other entities or Egos.

Upon consulting standard works I find that Ego, the I, or the me, means "indviduality, personality." Individuality is defined as follows: "The quality or state of being distinct or individual. Sharply marked temperament. Personality im-

Contributed to the discussion of Mr. Thomson J. Hudson's paper read before the Psychological Section of the Medico-Legal Society.

plies particular characteristics; that which constitutes an individual, a distinct person; existence as a thinking being." I am overwhelmed with a cloud of witnesses and am obilged to accept the inevitable,for no matter,how much effort one makes to avoid it, one cannot escape the reality of one's own egohood, or that which makes us say I.

The Ego, the real self, the I, is the individual as an object to his own reflective consciousness—the person as a distinct individual, the man reviewed by his own cognition, as the subject of all his mental phenomena, the agent of his own activities, the subject of his own feelings, and the possessor of his own faculties and his own characteristics.

Now let us consider this ego as to the possiblity or probability of both premises or either premise, the final extinction of that wonderful ego or the immortality of that supreme selfhood. Does it depend upon anatomical construction to be able to perform its activities, display and elaborate its characteristics? Are these extensive and subdivisible manifestations of the total self or Ego merely dependent on cerebral changes; thus purely material and absolutely subject to physical laws, and with the dissolution of the body ceases to be, ceases to exist? Is this powerful self a creation subordinate to its environment—to circumstances, to inheritance, to fate—and like its physical mate, the body, amenable also to the same natural laws and subject to the same fate—annihilation?

Is the Ego an indescribable and incomprehensible thing, susceptible to the opposite condition—and ascending is merged or absorbed into that from whence it came, no wiser, no happier, no better, a senseless, unknowing essence, its state or condition infinite bliss, eternal repose, in fact obliteration, a term synonymus to annihilation?

Or again, is the Ego independent of the body and does it possess the power to transmigrate into the bodies of other animals of a lower order thus descending the scale, or upon the other hand does the ego upon its release seek to live again in the old scenes and in order to do so, take up its habitation in a new human body, and therefore in one sense ascends the scale, because of its past experiences, and its return based upon the universal law of progress.

Or lastly, does not the Ego rise from out tne trammels and bondage of flesh, and asserting its omnipotence and eternal power, silently sweeping through realms of illimitable space,

with the speed of the electric messenger, pausing now here, now there, to exchange greetings with other released egos, then rushing onward, to tell the story of its liberation, its freedom, to the loved ones still in bondage, know that

"When all shall stand transfigured like Christ, on Hermon Hill
And moving each to music, soul in soul and light in light,
Shall flash thro' one another in a moment as we will?"

Anything which is important for man to know can sooner or later be known by the power of inductive reasoning, either in physical or psychical laws, and a psychic fact is just as much a fact as any other fact, and science has no more right to ignore one than the other; in fact no fact in nature can be safely ignored, for no fact is wholly insignificant.

The right of the psychical or spiritual world to speak of its own phenomena is as secure as the right of the natural world to speak of itself.

By the observation of a series of physical phenomena we are able to predict with confidence that the law which produces a certain phenomena is as fixed and exact and absolute as any law of mathematics.

In the realm of psychic phenomena "We look not at the things which are seen, but at the things which are not seen; for the things that are seen are temporal, but the things which are not seen are eternal." The visible is the ladder up to the invisible; the temporal is but the scaffold of the eternal. The innumerable and marvelous phenomena of the powers and faculties of the Ego are so wonderful and complex that one pauses in sheer amazement and asks the question, What is its limit and where is its limit? We reply there is no limit for though harnessed to its vehicle of flesh, it even now has the power to do whatever it wills to do. The Ego in this state has the power to move ponderable bodies, otherwise known as levitation—simply by the exertion of will power. Will is the motive force, it chooses when stimulated by desire, and therefore its will is strong in proportion to its desire regarding any particular object. It has the power to dominate the will of other Egos and compel them to do its bidding. It also has the power to read the minds of other Egos—to see the thought of others (clairvoyance). the power to hear the thoughts of others (clairaudience), and to express its own thought as well as those of

others by its physical apparatus either orally or through the medium of the pen. This Ego, steeped in all the delicate joy of tender emotions, thrills to the intensity and volume of song, expands in the joyous possession of freedom, revels in the ecstasy of love and in the embrace of tender compassion, sinks into that peace which passeth all understanding.

Now the intelligent investigator knows that the Ego has communicated facts of incidents hundreds of miles distant and to the receptive Ego or soul has given a clear and perfect statement of the events while this information may have been sent or projected at the moment of occurrence or deferred some hours. It has beheld the ego of the other individual and foretold its coming or visitation. It has sensed the alarm and disquietude of a loved one and with its undying and eternal power has calmed the fear and restored peace to the troubled soul.

The manifestations of this Ego are innumerable and the differentiations of its power are beyond conception to mortal ken. Now if this thinking, palpipating throbbing entity can transmute its intelligence when circumscribed by physical environment, then why cannot it display an equal if not superfor intelligence when freed from bondage? And if not, why not? This conscious potentiality which has lived or existed in connection with its physical mate has always displayed an intense and passionate desire to retain its individuality, its self-preservation. Jesus expressed the strength and intensity of that desire when He said, "What shall it profit a man if he gain the whole world and lose his own soul?"

If this Ego, or man is indestructible and has really an eternal existence in its own right, it must be independent of form or limitation, and can therefore go or come as the desire leadeth. Without further question or argument, I shall only recognize the immortality and intelligent continuity of the Ego, and its power to communicate either directly to the individual, or through the circumscribed indivdiual. Now that this be so, let us take into consideration the constitution of the vehicle or instrument through which the disembodied intelligence communicates, and we shall no doubt have solved many perplexing questions and misgivings.

We are first met with the supposedly embarrassing statement that the intelligence has deteriorated since its advent into spirit life, because of the fact that the communications

purporting to come from a former distinguished denizen of earth is below the intelligence of the ordinary man. And again it is discovered that other statements,—made by these supposedly disembodied entities are false, misleading, inaccurate or garbled. Granted to be true, all of these statements, and yet they can be accounted for simply through the law of conformity to the type. Whatever individuality is sought and used as the excarnate ego's vehicle of expression, thus by its free choice the Ego is obliged to conform to its selection, and the power of its thought, its quality and quantity and the language by which the thought is expressed, is now limited and circumscribed by the power of the medium to comprehend, to translate and to communicate.

The artist or the musician may be ever so great, even the greatest exponent of his special art that the world has ever known, and yet, with a low grade, imperfect instrument, or crude, ill-fashioned tools, this great master is utterly unable to produce that high standard of perfection which, under good conditions he is perfectly capable of achieving.

That false or unreliable statements are made by the medium is also another undisputed fact. Why should it be otherwise, for if the medium is untruthful, dishonest, unreliable or imaginary, how can the message be freed from this condition? A stream of water can rise no higher than its source—neither can the quality of thought be other than the constitution through which it flows. However purified the garment, or however whitened it may be it will become spotted, discolored and grimed by contact with soiled or blackened objects, and so with thought communication, it is also contaminated in its flight through poisonous channels.

We again are also told that the mediums or instruments through whom the intelligence is transmitted has never given any information other than the knowledge of that which resides in the mind of one or more present. That statement seems to me quite misleading for I could give hundreds of instances in which absolutely unknown and unknowable information was given to me. Many people have also made to me this same statement;but as that is only hearsay evidence (and not admissible in courts of justice and equity), I will confine my illustrations to my own personal knowledge. I have received prophetic information many times through spirit communication direct to self or through some other instrument.

This information was communicated to me, in many instances, as many as twenty years in advance of the actual occurrences. The details were minutely described, the persons named, in a number of instances then unknown to me. The results were so clearly and positively emphasized, that had I then been well grounded in the knowledge of spirit return, it seems to me I could have prevented the calamities which ensued and were enacted at the time and place so stated. In lieu of these experiences, I cannot argue that all psychic information is obtained or selected by the sensitive from some one at hand, or of not at hand, still present in the corporeal body of the material man who is somewhere on the earth plane.

I believe that spirit return is a demonstrated fact, but its value will be seen to be dependent upon its relation to other facts of equal importance. 'When we, hereupon the earth plane have developed to a high degree of intelligence and soul unfoldment, then will we not only attract those spirits who have achieved true immortality, but we will also be able to translate in purity of language and correct expression, their messages.

And such is the possibility open to those who are capable of understanding, and who are willing to receive and reveal the great and wonderful truths brought to earth by spirit man.

"It is God's promised blessing, set
Before the Coming race.
Our children's children's children yet
May see it face to face;
But we, the masters of To-day,
Must see the light and lead the way."

T. D. CROTHERS. M. D.,
HARTFORD, CONN.,
VICE-PRESIDENT MEDICO-LEGAL SOCIETY.

SPIRITISM, TELEPATHY, HYPNOTISM AND THE CASE OF MRS. PIPER.

BY T. D. CROTHERS, M. D., OF HARTFORD, CONN.,
Vice President Medico-Legal Society.

To one who makes the mental phenomena of spirit and drug takers a study, a field of most bewildering psychic movements appear. The laws of dissolution become so sharply defined, as to bring into prominence laws of evolution, and signs of unknown psychic forces. Theories of explanation termed spiritism, telepathy, clairvoyance, subliminal consciousness, and so on, are illustrated by numerous examples in this field, which separately sustain widely different theories, but collectively bring confusion to the subject. The persons in whom these examples occur are called border-liners, or those who live on the frontier of insanity, and whose mental health varies widely. As illustrative of some of the phenomena frequently noted, the following may be given: A spirit drinker after a prolonged attack believes he is about to die; the friends are gathered about the bedside; he talks of the spirit world, and describes the condition of friends over there. repeating their advice to the living. He is considered a medium of great power, and his communications are accepted as conclusive evidence of spiritism.

An opium smoker has similar periods of great mental and emotional exhaltation, during which he utters most startling predictions of coming events, and which occasionally happen as predicted. He is also a medium, and spirits talk and write through him to their friends here. He describes persons and events that seem beyond his knowledge and experience, and after a few hours of this mental ectasy, he sleeps awaking later a stupid, dull man. Other persons using spirits or drugs to excess will not infrequently have what is called deliriums of great mental exhaltation (of brief duration,) in which they will make statements and describe events that are unexplainable.

When these deliriums are extreme in wildness, there will occur flashes of good judgment and superior reasoning, that seem like intuition. Predictions of themselves and their friends; of what should be done, and the results that follow are most startling in accuracy. Instances like the following are not uncommon: A wife, mother, or other relative of an inebriate will be able to follow them in a large city; tell where they are at a certain time of day. The inebriate may not have been heard from directly in many days, and there can be no reason for locating them in any particular place, and yet we have been written to send a man to such a place to find him.

A father who was a drinking man came from San Francisco to find his son, who was also a drinking man and who had disappeared some months before, and supposed to have gone to Europe.

The father was confident that his son would reach New York on a certain day, and go to New Haven the day following. He came to Hartford to arrange for his son's admission to our hospital, then went to New Haven and found his son as expected twenty-four hours later. In this the father had no visible clue, or means of knowing the movements of his son. His habit was to drink to a semi-stuporous stage, and then tell where his son was, and what he was doing. The son was an extremely erratic, genteel tramp, who drank some all the time, but was seldom stupid. There seemed to be a certain affinity with the father after a certain stage in the drinking was reached, but before that they were mentally antagonistic. A man of some prominence in his profession, and highly cultivated, was a periodical drinker, and after he began to drink, he would dictate to his clerk several days in advance his movements and personal happenings, which would occur. This would be carried out literally, and the predictions of what would happen to him were equally exact and startling in fulfillment. The explanation by his friends included many theories of spiritism, clarivoyance and subliminal consciousness.

Opium and other drug delusional states bring out many mysterious facts of the movement of psychic forces, along the lines of dissolution. Several persons are confident that studies from this side are valuable, and that they will

disclose many facts. From my own experience the phenomena manifested by the disordered brain, fails to support any one theory of spiritism, or telepathy, but rather points to forces and laws infinitely more complex and less simple. The very close resemblance of the mind reader, the medium, and the hypnotist, to those who live on the frontiers of insanity, suggest phases of dissolution, rather than evolution in the higher activities.

So much of the strange and mysterious in mental phenomena is due to physical causes, that the elimination of errors from this source is extremely difficult. Hence it follows that any credulous story of phenomena used to support a theory of psychic forces and laws, is open to question and doubt. As in observations of the heavens, both the observer, the means of observation, and the phenomena studied, all need verifying,and correction by others,before they can be accepted as facts, or even approximate facts. Mrs. Piper's manifestations and the critical study by Professor Hyslop should be received as probable evidence needing further study and examination, and while apparently supporting the theories of telepathy, are not conclusive.

Theories of mind reading and spirit influences of departed friends, clairvoyance and subliminal self, are too simple; the psychic forces and laws which govern brain action extend far beyond these narrow limits. The recent explanation of the great facts of electrical waves in wireless telegraphy give distinct hints of what is called physical forces, which may extend into the psychic, and perhaps is another form of force emanating from the brain, as well as from the generated electricity.

The form of transmission of thought depends on the propulsion of certain electrical waves whose vibrations are in exact rhythm,and strike on a receiver arranged to respond to the same rate of vibration. When the instrument to send the current, and the one to receive it, are timed or arranged on the same key, the transmission of the vibrations which are formed into words, go on irrespective of distance. These intangible shocks or waves of force, are read on receivers keyed to catch them. Thought may be projected and read by minds tuned to the same rhythm, regardless of space and physical obstacles.

For a long time the X-Ray, produced by an electrical current, was supposed to be a most wonderful light penetrating substance, and enabling us to see what was previously unknown. Recently this ray was found not to depend on machines for its production, but to exist in many substances in the earth, which can be demonstrated in the laboratory. It is called a crystallized solidified light, stored up from past ages, which from treatment in the laboratory can be made to give out its rays, furnishing a supply of light that is inexhaustible. Professor Thompson says a thousand grains of this illuminating earth on the ceiling of a room would furnish light for centuries. Yet this is nothing compared with the storing, reception, and emanating forces of the brain. The great waves of public opinion which dominate the years and ages, and the rise and growth of ideas and thought, are not accidents, but the operation of unknown forces. As in wireless telegraphy, and the X-Ray, there is something more than the course medium for the transmission of thought. The batteries of the brain, and the force generators and receivers, are yet to be discovered. The effort to make the phenomena explain and support a theory is not scientific. Mrs. Piper's ability to do what is unexplainable from our present limited knowledge, only deepens the mystery, and rouses keener interest to be informed of the laws and movements of thought. The Society for Psychical Research is approaching this realm on the side of exact science. It is in this field that medico-legal studies are most practical. The grouping of the exact facts, and their analysis and meaning, will show the laws which enabled Mrs. Piper to make answer to questions that seemed beyond her knowledge. The Scotch verdict of "not proven," can be urged with scientific accuracy to-day, and we wait for farther particulars necessary for conclusive evidence.

ALEXANDER WILDER, M. D.
NEWARK, N. J.

TELEPATHY, SPIRITISM, HYPNOTISM AND THE CASE OF MRS. ELENORA E. PIPER.

BY ALEXANDER WILDER, M. D., OF NEWARK, N. J.

The case of Mrs. Piper is comparatively simple, if we can fairly understand the premises. These belong unequivocally to the department of mesmerism. I prefer the use of this term instead of the one which has been dragged from the Greek language and misapplied, to evade giving due credit to the man who introduced the art and science to the notice of the world. The same reason which warrants the applying of the names of Volta, Galvani and Faraday to their discoveries, is entitled to equal force in the case of Anton Mesmer. It seems to me superlatively mean and base to pirate a man's work and refrain from giving him honest credit. This, to be sure, has been done in other departments of knowledge, nevertheless I think that for this once we can afford to do honorably.

It was early perceived in mesmeric experiments that the physical sensibility and even the reasoning faculty of the individual were more or less suspended,and that he became in a greater or less degree participant in the thoughts and perceptions of the mesmeriser. This occurred according as there was produced a partial or complete rapport between the two. In many instances there were such results as trance, intuition, somnambulism, clairvoyance, etc. In these cases we have had many wonderful disclosures which purported to come from other spheres of life. In the condition of trance, however, it was produced; this has been no uncommon occurrence. The works of Emanuel Swedenborg are significant evidences from the fact that he, while in a state of trance, received numerous communications which were imparted to him, as he declared, by spirits and angels in the invisible world. There exists no valid reason for doubting his veracity or clearness of perception in regard to his memorable relations, and we may enquire further.

Andrew Jackson Davis, now of Boston, and formerly known as "Poughkeepsie Seer," gave a fresh impulse to investigation in this direction by the production of "Nature's Divine Revelations." His disclosures were made while in the mesmeric trance in the presence of witnesses of different shades of religious belief, but generally intelligent and truthful. Dogmas of theology, problems of science, and matters beyond our common knowledge were treated as by one having competent learning and authority. One of these, I remember, was the announcement that there are two planets in our solar system not yet discovered. The star Neptune had only just come to our knowledge. This announcement was received in scientific and literary circles in silence or dismissed in language of derision. It might be true, but the revelation of a mesmeric clairvoyant could not be accepted. Yet not many weeks ago, the statement appeared that certain deflections in the course of other planets indicated the existence of two more worlds of similar nature in that far-off space. I do not, however, cite this with the expectation that such verification will be accepted in evidence. There exists a deep-seated Sadduceism in the so-called scientific world, that would not admit testimony even more unequivocal. But our quest is for truth, and we must let it find its own avenues.

The experimentation with Mrs. Piper under the auspices of the Society for Psychical Research has evidently resulted in establishing the fact that such avenues have actually been found. I place no importance upon her published disavowal. She was undoubtedly in the entranced state when making her replies to her magnetisers. We can not suppose her to be shamming. Her own character precludes this, and the members of the society having the matter in charge would have speedily detected any fraud if such had been attempted. I accept what the society has published as being true, and conscientiously declared. What, therefore, we have to consider is in relation to the disclosures themselves. I have no doubt that they rank with others of similar character obtained from other sources.

The question before us relates, as I understand it, to the nature of the communications, whether they were from some region beyond our common life, or to be explained by some

theory of telepathy. It appears to me that both agencies possibly existed in the case. What I have noted in former examples has convinced me that there is a silent influence exerted by spectators, which we often do not suspect. This occurs in everyday life. The orator thus affects his audience and in turn the audience often inspires him. We are affected by every one with whom we have to do. The mesmerised person whose individuality is thus rendered dormant becomes more exquisitely sensitive to the aura and influence of those whose attention is concentrated upon him. Of course he is most susceptible to his magnetiser, sometimes evidently entirely so, but spectators have their share of influence. He will often reiterate what is in their thought, and they will take this for a special revelation. It is not necessary that they in each case are vividly conscious of such thinking, for our real thought is far beneath and beyond the sphere of our own consciousness. Only the superficial thinking is perceived by us. Hence we often operate on one another by our presence, by the concentrating of our attention through the silent energy of our will, and yet perhaps suppose that we are only passive.

It must be left to others to judge whether this in any degree explains the case of Mrs. Piper. Those who are personally cognisant may feel certain that it does not to any reasonable degree meet the conditions, and indeed it is proposed only as a partial explanation. The world of mind is too broad to warrant the including of such phenomena in a purview so narrow and circumscribed.

Our intelligence cognises a mode of being and a region of thought that are by no means comprehended within the sphere of material existence. It is neither logical nor philosophic to imagine that while there exists myriads of living beings in series between man and the monad, that beyond on the superior side it is blank, and devoid of life and sense. "We are compassed about with a great cloud of witnesses," declares an anonymous writer in the New Testament. "Millions of heavenly creatures walk the earth," the poet Milton assures us, and I am content to believe it. It is not to be assumed that they are not cognisant of our presence. If any of them are souls that have lived in the earth, they may have still an inclination to take some part in matters of this mun-

dane life. They must possess enough still of our human quality to be able to make their wills operative upon those who are still living. Bunyan describes his Pilgrim followed by a wicked being who "whisperingly suggested many grievous blasphemies to him which he verily thought had proceeded from his own mind." 'It is reasonable to suppose that as we are compassed about with living essences, that they will be of a character substantially like our own, and that they are able to insinuate or rouse into activity thoughts in us which we will apprehend as our own. And if all this should in any way be objectified we might contemplate it as a spectacle before our face.

An individual in the mesmeric trance is dormant so far as the external senses are concerned. But the soul, the real self is as much awake as ever. It is then more susceptible to mental impression than in the wakeful period. As spectators by contemplating him intently may infuse their thoughts and emotions, so spiritual beings are capable of doing the same thing. Indeed, this is more likely to happen. They are more free to do so, and are naturally more eager and ready. The bars between the world of time and the vaster world beyond time, are in a great degree removed for the while, and communication opened as when a man is in conversation with a friend. Despite the fashionable skepticism that pervades such matters about with a dense wall of disbelief, and despite Mrs. Piper's own disavowals, I think this to be the true explanation of the case.

This is evidently suggested in the well-worn sentence of Shakespeare, which may be quoted appropriately once more:

"We are such stuff
As dreams are made on."

Visionary as it is common to term such things, they are actual entities in the region of mind, and our real self is the soul that undergoes such experiences, rather than the bodily fabric which it pervades and animates. If Shakespeare could produce the concepts which constitute the plot of the drama of "The Tempest," it appears to me unavoidably conclusive that such occurrences,in some manner and at some period of time must take place. What the mind conceives must be always a reality. In the case under consideration it is evident that Mrs. Piper, when in the mesmeric trance was made pas-

sive and susceptible to the mental and spiritual influences which her moral and physical condition attracted. These intelligences thus had an opportunity to utter their thoughts, and perhaps were in a manner constrained to do so, through a living human intermediary. Some of them may have been the minds of the magnetiser and spectators, but others were without doubt unbodied beings that desired to avail themselves of this means of communication. Of their individuality I am not so certain. Influence is reciprocal, and as a spirit may obsess a human being or an intermediary, it is reasonable to presume that a human being may obsess a spirit in turn. The eager fixed thought of a spectator at a sitting can so affect a spirit as to impel it to suppose itself the pesonality which the other has in mind. Swedenborg has described this occurrence in one of his works, *and it accounts for much of the drivel and absurdity which have been put forth as spiritual communications. Nevertheless to make such facts an argument for decrying all esoteric communion, and for rejecting all belief and confidence in the verity and importance of spiritual intercourse is the very reverse of candor and rationality. There is abundant reason for the belief that the wall or partition between the external world and that eternity which encompasses time is disappearing, or at least that there are individuals and agencies capable of penetrating the vail. We are at no infinite distance from that region in which all things are real.

*NOTE.—SWEDENBORG: *Spiritual Diary 2860–2861.*—"*That spirits may be induced who represent another person; and the spirit as also he who was known to the spirit cannot know otherwise than that he was the same.*

This has been many times shown to me: that the spirits speaking with me did not know otherwise than that they were the men who were the subject of thought; and neither did other spirits know otherwise; as yesterday and to-day some one known to me in life was represented by one who was so like him in all things which belonged to him, so far as they were known to me, that nothing was more like; wherefore, let those who speak with spirits beware lest they are those whom they have known, and that they are dead. For there are genera and species of spirits of a like faculty; and when similar things are called up in the memory of a man and are thus represented to them, they think that they are the same persons. Then all the things that are called forth from the memory which represent those persons, both the words, the speech, the tones, the gestures and other things besides, that they are induced to think thus when other spirits inspire them; for then they are in the fantasy of these, or think that they are the same.

SPIRITISM AND MRS. LEONORA PIPER.

BY DR. WILLIAM LEE HOWARD, OF BALTIMORE, MD.

As Doctor Hudson states: "Never before in the history of the scientific investigation of modern spiritism have the conditions been so favorable for the production of decisive results; one way or the other, as in this case." In my opinion the investigations have resulted in weakening the spiritistic theory and strengthening the somatic, or telepathic. The various phenomena demonstrated in the Piper investigations —and all other alleged spiritistic phenomena—have their origin and activity in abnormal development or states of the psychic centers, and are part of every human being's mundane physiologic life.

Too many physiologic phenomena have been readily accepted as proofs of spiritism, and as "the wish is father to the thought" the scientific analysis of the facts have seldom been carried out. The pleasing and satisfactory acceptance of spiritistic evidence by individuals untrained in physiologic psychology, is not surprising to the neurologist who is daily brought in contact with cases of auto-suggestion,the unstable neurotic with fervid desires for the occult, and with the many half baked and half prepared intellects which can easily accept psychic phenomena as supernormal facts, but in whose untrained brains the physiologic conditions underlying psychic phenomena are laborious and difficult to comprehend.

Telepathy is the explanation, in my opinion, of all the phenomena witnessed by the conscientious observers in the Piper investigations. It is not necessary here for me to go into the evidence we have of telepathy being a normal—in a psychologic sense—attribute of sub-conscious activity. We have too many scientific facts to convince us of the mundane cause of telepathy, while we have not one single satisfactory

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BALTIMORE, MD.

fact to make us think for a moment of any supermundane explanation for the phenomenon. "It would require but one demonstrated case of survival of personal consciousness after the death of the body, to prove the essential claim of spiritism—future life." (Hudson.) No such single case has ever been known. That is, no case of evidential structure strong enough to withstand the cold, penetrating rays of science.

I relate the following incident as an example of the readily accepted evidence of supernormal existence. My valet, Bruno, is a young German who I brought from Berlin, and who has become, through a course of training, a remarkable psychic subject. He has been examined by a large number of eminent medical and scientific men who have been intensely interested in his remarkable susceptibility to suggestion. One evening in the presence of five gentlemen, two of whom were German, I hypnotized Bruno,and in a whisper inaudible to anyone but the subject, suggested he was Bismarck. This done, I sat down at the other end of the room, my mind passive. Then issued from the mouth of this delicate young man a wonderful speech. It was an oration teeming with Latin phrases, voluminous quotations and fiery denunciation. The tone was Bismarckian, the language scholarly,and the gestures vehement. The spectators were astounded,and wonderment was depicted on their countenances. When it was over, one asked Bruno if he saw the spirit of Bismarck, and he answered: "Yes, he comes in to me, that's all I know, Herr ——." With one exception the spectators were all religious men, pronounced churchmen, and trammeled by the training of early superstition. A lucidly written explanation sent the next day, has not convinced them of the satisfactory fact—satisfactory to minds trained by broad thinking —that all the phenomena they witnessed were just as certainly physiologic facts as are the variations of the pulse rate.

Doctor Hudson says in his able analysis of Professor Hyslop's report: "It is known, however, that relatives and friends are either actually or potentially en rapport at all times." I think this statement should be qualified; for while we know that many relatives and some dear friends are frequently en rapport, we do not know for a certainty—that is scientific certainty—to what extent the rapport exists, nor do we know much about the potential element existing in untried cases.

Professor Hyslop evidently wishes to prove that the conditions and results were such as to eliminate telepathy; yet he gives us no satisfactory reasons for such an attitude, and, as said above we have never had any scientific, or authentic, evidences at any time in the history of the world of any but somatic—or psychic—phenomena.

Psychic lucidity, or the memory and experience of the subliminal self, has its limitations; just such limitations as Mrs. Piper's subliminal self demonstrated. Hesitancy, inability to give names, maladroit explanations and oftimes failure, these are conditions found in subjects partially or completely autohypnotized, and due to the inability of the subconscious memory in the passive subject to completely submerge the conscious.

It is scarcely conceivable that spirit power, did such exist, would have the limitations just mentioned. If so, I hope I shall never be a spirit. I prefer to lie undisturbed.

Mrs. Piper has no self knowledge of what she, as percipient, gives to her investigators. She is a very sensitive psychic who seems ever en rapport with Prof. Hyslop; who, also, seems to have no self knowledge of his condition.

The assertion made by Professor Hyslop that spirits have but little power to remember mundane things—that is, that their memory is limited, while telepathy has no limitation, is certainly an extraordinary statement. Until Prof. Hyslop explains how he obtained such positive knowledge of the memory limits of spirits, I do not feel justified in further analyzing his report.

PROF. W. XAVIER SUDDUTH, A. M., M. D.,
FELLOW OF THE CHICAGO ACADEMY OF MEDICINE.

THOUGHT TRANSFERENCE VERSUS SPIRITISM AS AN EXPLANATION OF MANY SO CALLED SPIRITISTIC PHENOMENA.

BY PROF. W. XAVIER SUDDUTH, A. M., M. D.,
Fellow of the Chicago Academy of Medicine.

In considering Mrs. Piper's disavowal of spirit control during her many years successful experience as a medium, it behooves us to lay down some definite principles to govern us in this discussion. In the first place, the testimony, post partem, of a medium or an hypnotic subject, should have no standing in a court of scientific inquiry for the reason that a person in a state of trance, or hypnosis, is not in the full possession of all his senses, consequently is not competent to pass judgment on the character of the conditions under which the revelations were made. At best his evidence would be based upon hearsay, and such testimony is always ruled out of court. Not only this, but as students of their own experiences during the trance state they are not to be trusted, for the further reason, that, just in proportion as they are good mediums, so are they incapacitated from analysing their own revelations.

The term medium is synonymous with "mouthpiece." A medium is a person who becomes the instrument of expression for the thoughts or messages of others, and just in proportion as he is honest and proficient in his chosen avocation, just so far does he lose his identity and individuality and assume the role of an automaton and voice the ideas of others.

Now, while Mrs. Piper is a trance medium and is supposed to receive messages only in that state, yet it is not absolutely necessary for an individual to lose consciousness in order to become sensitive to his environment and thus receive mes-

Read before the Medico-Legal Society and Psychological Section, February 19, 1902.

sages and reveal the so called, hidden mysteries of this world. In support of this last statement we have many successful "readings" of honest, competent psychometrists. All that is necessary for mediumistic revelations, is a condition of dissociation of consequences which permits the subjective perception to take cognizance of these subtle influences and raise them above the threshold of consciousness, thus bringing them into external relations where they may be "read," that is, perceived by us.

It matters not how this be brought about, whether by automatic writing, by planchette, or by the voice of a control speaking through the medium.

It is impossible for Mrs. Piper or any other medium, to say whether the opinions she holds at any time, are not the reflection of some other person's ideas upon the subject, telepathically or otherwise received.

In the present case, I have no doubt in my mind that her change of opinion regarding her past experiences is not the result of such influences. The thoughts received by her may have been my own, for ought I know, (sic) for notwithstanding the many years I have been studying spiritistic and hypnotic phenomena, I have never yet seen anything to lead me to believe other than Mrs. Piper has stated in her revocation of her so-called spiritistic control.

If thought transference (telepathy) is the source of her information as she now asserts, and as I firmly believe, she has proved herself to be a good medium for the reception and interpretation of thought vibrations, and as such vibrations are always on tap, so to speak, all that is necessary for her, or any other good medium to do in order to be able to receive and translate them into ordinary language, is to bring herself into a state of dissociation of consciousness. My explanation of the incoherent manner in which many of the messages have been received, is, that the medium was not always in the best physical or mental state to receive or interpret the thought vibrations that poured in upon her, or that she became weary from the forced attention required to keep in touch with a state of consciousness not normal to her. I know psychometrists, however, who work for hours daily, without any more apparent fatigue than would be manifest in any ordinary mental labor of the same duration. The fact

that these incoherencies in Mrs. Piper's communications came just before the close of the sitting, seems to bear out this conclusion, that they were caused by fatigue of attention. It is possible that Mrs. Piper's own personality may have interjected these phenomena into the message. I have seen instances where such was the case. The medium assumed certain things to be essential to success. It has been very interesting to watch the outcroppings of these individual peculiarities of different mediums. In one of my own personal experiences, where I was studying a successful psychometrist, in the hypnotic state, I held in mind the image of my father, who had passed on some two years before. The subject had not known him personally, or in any manner. I have strong powers of visualization and can project thought images with great clearness, which I know help me in these experiments which I have been making for years along this line of observation.

In this instance the subject, a Mrs. E., very quickly caught the image and gave an accurate description of it. Now, she is not a spiritualist and strongly resents the idea of spirit control in her work which she generally carries on in the waking state. She deprecates anything that savors of spiritualism in relation to her work and consistently and conscientiously avoids it, and I made this a test of the genuineness of her protestations in this regard. Up to the time she had given the accurate description of my father not a word had been said as to his demise. The picture I held of him was one as I had last seen him alive and in the full enjoyment of health. Then I permitted my thought to naturally pass on to the final parting scene and the medium was visibly affected. She said "I do not understand this. I just saw the gentleman in perfect health, now he seems to be seriously ill." Her eyes were closed and she was in a perfect somnambulistic state, consequently could not have been affected by my own emotional state through the operations of the ordinary senses, but she was evidently influenced. I had purposely avoided saying anything up to this point, allowing the image to pass on to the next stage, the interment, and when I had fully regained my composure I very quietly asked, "Has he any message for me?" To my surprise she became greatly excited and said "I want you to wake me up." She had the idea that she

could not waken without my consent. This also came from autosuggestion, I never having given her such suggestion. I tried in vain to quiet her and finally had to arouse her from the somnolent state. She arose from the couch, sat down in a chair and was very much overcome by her emotions. For a time I purposely avoided saying anything to her but carefully studied her every motion. Finally she said, "Doctor, I am willing you should study me, in fact I am anxious to know the source of my powers, but you must not try to make me the medium of spirit communications." My analysis of the experience is, that so long as I had a perfectly clear image in my mind, she could see it and give a verbal description, but when it came to asking her for something that did not exist in my mind she failed to answer my question and in her anxiety to do so became worked up into a high degree of excitement, and put up the excuse that she did not want to be made a medium of. I say 'put up' because in subsequent tests when I held thoughts "for her" of absent friends she did not rebel, but in many instances repeated them.

This same medium at another time, gave a successful reading of the contents of an hyperdermic vial of sulphate of morphia, not only describing the drug, but showing in her own person its physiological action. The vial was wrapped in paper until it made a very large package and every physical effort made to deceive her, but I held the drug and its action in my mind,studiously avoiding naming it mentally until she had shown the different symptoms—some of which are not known to the laity—and as she herself, afterward stated, not previously known to her, namely, that morphine in minute doses is a stimulant. She responded to the thought held in my mind, no word being spoken for some minutes. She flushed and showed every sign of increased heart action, Then she placed her hand to her head and finally on her stomach, blanched and showed marked symptoms of nausea. She was evidently "proving" the drug, as the homeopathist would say, without knowing that she held any drug in her hand.

Finally she read the name of the drug in my mind and exclaimed "Oh, it's a drug, take it away," and very ungraciously proceeded to throw the package at me, an act wholly out of keeping with her ordinary ladylike demeanor but fully justified by the circumstances. This test was not premeditated

but was sprung on the medium in the presence of the Rev. Dr. Winbigler, of Philadelphia, after she had made quite a successful reading of a letter given her by him.

From these and hundreds of other tests made during the past twenty-five years, I am a firm believer in telepathy. The operation of an organic brain in the production of thought sets up vibrations which pass out into space, going on and on forever. The ether fairly teems with the vibrating thoughts of the bygone ages and all that is necessary to become possessed of this store of universal knowledge is to become sensitive to ether vibrations, and learn how to translate them into ordinary language. Without such ability they are as Greek to the illiterate.

Upon this same premise we may interpret the phenomena of death apparitions. A person in extremis may send out very intense thought vibrations which go on and on until they find a recipient. This is generally some near relative, who by reason of consanguinity has a similar vibratory note, consequently is enabled to receive and possibly translate the message into language. No ground is found however, on this theory to help spiritualists, for disembodied spirits are not possessed of organic brains and consequently cannot produce organic vibrations recognizable on this plane. The necessity for translation is absolute, otherwise the messages could not be made available. It is impossible to understand these indelible records of the past except we can translate them into object presentations and read them out loud, so to speak, in the language with which we are accustomed to think.

It is impossible to know the abstract except it be projected in terms of sense perception, in other words, except it be materialized. It is this very fact that makes it necessary for psychometrists and crystal gazers to have some object upon which to fix the attention. The controls, so universal with trance mediums, also serve the same purpose. namely, they objectively voice the subjective, and serve to bring it above the threshold of consciousness, thus making it "knowable."

The pen in the hand of the automatic writer,and planchette, are also of similar import.

In closing I wish to be understood as not disavowing belief in all spiritistic phenomena, or as discrediting the observations of the British Society for Psychical Research, nor the

later work of Profs. James and Hyslop along these lines. Their investigations have seemed to promise light upon an hitherto dark subject.

To my mind the subject stands just where it did before Mrs. Piper made her disavowal.

When she avows her belief in telepathy, and puts that force forward as an explanation for the wonderful revelations she has made in the past, she is not explaining the character of the communication, or in anyway simplifying the subject, but the rather, making it the more complex.

What she has done however, has been to convict herself of incompetency to testify in a court of scientific inquiry, not because her former testimony was not true, but because her claim and her record show that she is possessed of mediumistic powers and is the mouthpiece for passing thought vibrations. Therefore she is not a competent judge of the phenomena, even though she be the medium of its manifestation.

The situation is not altered in the least by her confession. The question is still one for the Society of Psychical Research, and Profs. James and Hyslop have the floor.

MRS. M. LOUISE THOMAS,
VICE-PRESIDENT FROM NEW YORK STATE TO THE MEDICO-LEGAL SOCIETY OF NEW YORK,
AND
VICE-PRESIDENT PSYCHOLOGICAL SECTION
EX-PRESIDENT SOROSIS.

TELEPATHY, HYPNOTISM, SPIRITISM AND MRS. PIPER.

BY MRS. M. LOUISE THOMAS.

Mr. Clark Bell, Esq., Dear Mr. President:

I am glad that the subjects treating on soul and matter are entering upon the realm of pure science where they justly belong. It seems to me that the subject of spiritism is closely allied to the electric impulse; when the one becomes clear the other will be luminous. When Prof. Morse planned to bring together the two shores of the Atlantic it never occurred to him that it could be done without a visible line of cable from shore to shore. Marconi has accomplished the same thing without using anything, save the vibrations in the air about us. In the same way the soul sees, hears and speaks to those who open their consciousness to its workings. I think we are on the very eve of wonderful developments. I do not believe in passes and strokes, and staring into the eyes to obtain control over some mind weaker than that of the operator; that is the very lowest phase of the mighty science. I do not believe in it, and I would throw guards around it by the law to protect weak women from designing men. But, when such men as Judge Daily, Mr. Marsh, Mr. White, Prof. Sudduth, J. Minot Savage, Rev. Mr. Hepworth and others such as you have named, enter into the subject, we have no need to fear that it will be treated in any other, save a dignified and earnest manner.

If I live to return to my villa in Fordham, I shall hope to have some discussions on the subject held in my parlors, for with all earnestness I can declare that as the body fades away the soul takes on fresh strength and power. I am,

Sincerely your friend,

M. LOUISA THOMAS.

POSSIBILITIES.

BY REV. GEO H. HEPWORTH, OF NEW YORK.

The Rev. George H. Hepworth has had all the world as his audience for the sermons he preaches through the columns of the New York Herald.

In the issue of March 2, 1902, he took up the subject involved in the discussion going on before the New York Medico-Legal Society, under the heading "Possibilities," and by the kind permission of both the New York Herald and the author we give it here:

"*And it doth not yet appear what we shall be.*"—I John iii : 2.

It is a very curious and somewhat startling fact that we have just begun to believe that we have souls. Heretofore we have entertained vague and fantastic notions on the subject, admitting in a general way that a soul is better than a body because it lasts longer, but having no clear ideas as to its development or as to its future. This life was so frightfully real that any other possible life assumed the shape of a dream. But of late the soul has claimed the attention of science, and, although progress has been made with slow and hesitating steps, we have certainly advanced far beyond our fathers in acquiring a definite position.

Psychology has forced its way to the front, or at least toward the front, and half the world are asking questions concerning to-day and to-morrow which the other half are trying to answer. There is no reason why we should not make a great many discoveries in connection with that vital spark which at death leaves the physical man so much a wreck that its presence is no longer welcome. We give it back with many tears and an equal number of hopes to our mother earth. We are all looking with eager eyes into the Beyond, and if any one in authority has anything to say on the subject we listen with rapt attention. There is something almost painful in the pathos with which we demand new facts about a continued existence, for our affections cannot and will not be satisfied with the thought of extinction.

Almost every family has some legend or some memory of supernormal experience on the part of a dear one who was just crossing the threshold into the other life. In some cases the sight becomes phenomenally acute and the departed re-appear with outstretched hands to assist the newcomer in the passage to heaven. In others the ear is equally acute, and the overture of the angels is heard as a welcome to the brighter land. Death has thus been robbed of its terrors and made easy. These stories are floating in the air everywhere. Can it be that they mean nothing? And if they mean something, then, how much?

REV. GEORGE H. HEPWORTH.
NEW YORK.

Science has a duty to perform in this large field. It has either ignored or simply looked on with the curiosity of indifference. But it is possible to gather verified facts enough to formulate a theory which may sometime solidify itself into a demonstrated faith. We cannot afford to "pass by on the other side," and the time is coming when skilful men will handle these things, some Darwin bold enough to follow the truth wherever it may lead, and tell us what we long to know. The hour is ripe, the attitude of the general mind propitious, and we have a right to look for startling discoveries in the near future.

Or again. When a man comes to me saying he has a message from the other world, I may be incredulous, but I cannot forget that the word "impossible" has become obsolete. I cannot help hoping that what he says is true, neither can I help believing that it is well within the limits of possibility. That Christ enjoyed this privilege, that the Old Testament is filled with instances of the kind, that St. Paul records a most remarkable experience along these lines, that in the life of every saint are similar occurrences cannot for a moment be doubted. Have all these been mistaken, and have we been deaming dreams when we put faith in these statements? Is the Bible to be trusted elsewhere and distrusted here? Is this universal longing to know about those who have gone through the churchyard to heaven a delusion and a snare, a bright promise of faith which simply "sets the children's teeth on edge?" A strange world, indeed, in which our thirst is never quenched, our hunger never satisfied! Why, then, the hunger and the thirst?

These matters are slowly coming within the range of scientific inquiry. The days of indifference have passed. With the future new glories will open to our surprised eyes, new truths will be discovered, and we shall find that the two worlds are so close together that as our prayers go forth to the gates the loved ones come to answer them and render assistance.

Before that time we ourselves may depart, but the way will be open to come back bringing the love of God, of Christ and of the risen ones into hearts and households.

TELEPATHY, SPIRITISM AND MRS. PIPER.

BY MARY ELIZABETH LEASE.

In discussing the question, "Are the occult manifestations given by Mrs.Piper before the Society for Psychical Research due (as recently alleged by her) to hypnotism, telepathy and clairvoyance rather than spiritism, it would materially limit and simplify the presentation of thought, were all required to speak to the question, "What do I know?"

It would certainly impress upon the mind that the mysteries which surround the life that now is, fully equal those of any life to come. While we grope after the hidden unknown, the material or supposedly known is as yet an unsolved riddle.

Physical science as interpreted by its foremost exponents, teaches that matter is not the final form of substantial existence, that it is composed of something which science cannot reach, and that being formed from that unknown invisible something, we may logically conclude that it will return to it again. Professor Tait, an acknowledged and eminent authority, declares that we do not know, and are possibly incapable of discovering what matter is, and that a true conception of it is certainly unlike anything which our reason or our sense can form.

The statement made by the eminent philosopher, Kant, must certainly be a gratification to the Christian and Mental Scientists, for he urges that, "We can only know phenomena, while noumenon, or the thing in itself, is forever beyond our ken."

Faraday advances the theory that all the properties of matter are attributes of motion, and that accurately speaking there is but one element in the universe, that element Force-Energy. Physical science supplements this theory by declaring that the realm of force or energy is the realm of causation.

MARY ELIZABETH LEASE.

The old Athenian philosopher, Plato, declares that there are two worlds, one a world of ideas or archetypal forms, the real world; the other the world of man's experience, the world which Mr. Hudson designates as the realm of objective sense, which is a world of appearance only, and consequently a vanishing and unreal world.

All the tendencies of scientific research point toward the conclusion that matter as known to chemistry and physics is but a modified form of universal ether. We may well ask "What is this universal ether that behaves toward matter as though matter did not exist?" And until this question is scientifically answered all our conclusions in regard to the phenomena of spiritism, hypnotism,telepathy or clairvoyance, are purely speculative.

Under the theory of advanced science it is no longer spirit that is vague, illusive and unreal, but matter. That which we have been accustomed to regard from the plane of externality as the real, is slipping away into modes of force, dissolving into activity, shading off into some great reality that is not material, and therefore must be spiritual. Not physic, but meatphysics is real, supreme, and on its triumpant banner is inscribed the word God.

It will not solve the question under discussion to declare the phenomena manifested through the personalty of Mrs. Piper are due to hypnotism, telepathy or clairvoyance, for we are still confronted with the question "Are not the phenomena of hypnotism, telepathy and clairvoyance due to spiritism?" We concede with Socrates that the mind is all there is of us and if the mind or enduring part of man, embodied in, or manifesting in the material form, can influence or dominate the mind of another, then is it not possible that the disembodied mind or that which we call the spirit can influence or dominate the minds of others.

That the so-called dead, the intelligence or enduring part of man yet continues to exist after the body has passed through the change called death, is not questioned or doubted by the great majority of thinking people whether in or outside the pale of the church. Can or do these so-called dead or disembodied intelligences influence or act upon the minds of the embodied living, That they can and do, is attested by thousands of good and wise men and women. To dis-

credit or refuse to investigate the testimony of these men and women because the experiences which they relate have not become a part of our own exprience is to place a stigma upon human intelligence, make truth a bankrupt, and leave the signature of science to be protested. The mission of science is to study, to investigate, to test phenomena. Warned by the mistakes of the past we should not reject the most minute atom of evidence because the false is mingled with the true.

Only a short time ago hypnotism was pronounced an absurdity, mesmerism denounced as a fraud, telepathy was an outcast in the scientific world. Yet to-day they are recognized by jurisprudence as potent factors in human affairs. Does it not seem probable that hypnotism, telepathy, clairvoyance and kindred phenomena are evidences of spiritism? In any conclusion there is no word in human speech that we should use with more caution than the word "Impossible."

Longfellow echoes the seers and poets of all the ages when he says: "The spirit world lies about us, and its avenues are open to the unseen feet of phantoms that come and go, and we perceive them not, save by their influences, or when at times a most mysterious Providence permits them to manifest to mortal eyes."

RICHARD HODGSON, LL. D.,
BOSTON, MASS.

SPIRITISM AND MRS. PIPER.

BY RICHARD HODGSON, LL. D., OF BOSTON, MASS.

The secretary and treasurer of the American Branch of the Society for Psychical Research, was requested by the President of the Medico-Legal Society to make a short contribution to this discussion, so that his position and views might not be misunderstood, and that his personal knowledge of various subjects connected with the controversy, might be correctly stated and understood. His reply is as follows:—

Boston, Mass., March 6th, 1902

Dear Mr. Bell.—Concerning the statements attributed to Mrs. Piper in, and following, the various papers of October 20, 1901, it is quite clear that for a short time in the summer of 1901, Mrs. Piper thought, and was persuaded to allow the expression of her opinion to the effect, that her manifestations might be explicable on the hypothesis of telepathy from living persons.

What she really wished to say was that she did not make any claim that so-called discarnate spirits controlled her. She did not affirm that spirits controlled her, but, on the other hand, she was unwilling to commit herself to the view that spirits did control her. She wished it clearly understood that she made no claim one way or the other, and that she did not really know what the true explanation of her manifestations was.

The statement, which appeared in the New York Herald of Oct. 20th, and several other papers, was not drawn up by Mrs. Piper herself. It contains only a few fragments of statements made by her.

In my own view, Mrs. Piper's opinion, in any case, is of no value. She herself in past years has never had any opportunity of arriving independently at any definite conclusion by any investigation of her own, and she is, of course, not competent herself to deal with such a complicated problem. She herself has sometimes felt, owing to ignorance of her own work, and the reticence maintained by myself and other sitters, as if she would like to stop sitting altogether, and so put aside what to her has always seemed a mystery, which she herself had no hope of solving. There was never any agreement between Mrs. Piper and the Society for Psychical Research as such.

Her agreement for sittings since the beginning of 1897, was with the trance personality spoken of as "Imperator," and she has kept her agreement. She gave a sitting to myself on October 21st, 1901, in accordance with the injunctions given to her on the previous April by "Imperator." On October 21st, she received further instructions not to sit again for twelve weeks. She resumed her sittings on January 13th, and she has been sitting regularly ever since.

Mrs. Piper made some statements to reporters connected with the Boston Daily Advertiser and the Boston Morning Journal. I enclose you the cuttings from these papers in which the statements made by Mrs. Piper were re-produced.

Mrs. Piper's feeling in the summer that she would stop sitting altogether, represented merely a transient mood. The verbatim statements attributed to Mrs. Piper and myself in the Boston Morning Journal of October 29th, are given with substantial accuracy.

You can make any public use of this letter that you please, and of course you can use anything that appeared in the cuttings which I enclose.

Yours Sincerely,
R. HODGSON.

The extracts to which Dr. Hodgson refers, are as follow:

That from the Boston Morning Journal of October 29th, 1901, is as follows:

"MRS. PIPER AND DR. HODGSON REACH AN ARRANGEMENT."

Mrs. Leonora E. Piper, the medium, and Richard Hodgson, LL. D., Secretary of the Society for Psychical Research, have come to an understanding. Any differences that may have existed between them have been reconciled. Mrs. Piper will continue her sittings according to agreement, and the relations that have existed between her and the society will not be broken.

Yesterday Dr. Hodgson saw Mrs. Piper and talked with her about the statement which appeared in the New York Herald. Afterwards both, by appointment, were seen by a Boston Journal reporter and their statements agree as to future relations.

Dr. Hodgson feels that the incident is closed, and Mrs. Piper, as will be seen from her statement, holds the same view. She has been distressed by the criticism and publicity to which she has been subjected, and desires to let the whole matter drop from now on.

"EVERYTHING WILL GO ON."

(By Mrs. L. E. Piper.)

"Everything will go on just as it has previously, so far as I am concerned. I will continue my agreement with the trance personality Imperator.

"Regardless of whatever may have been said I will go on with the present arrangement with Dr. Hodgson and the society, as formerly.

"I do not deny that I said something to the effect that I would never hold another sitting with Mr. Hodgson, and that I would die first, to a New York Herald reporter last summer, when I gave the original interview, but last week I did not see a representative of the New York Herald and did not reply to Dr. Hodgson. That is a misrepresentation, and, furthermore, I am not responsible for many of the former statements that the Herald published as coming from me."

WILL KEEP AGREEMENT.

(By Dr. R. Hodgson.)

"Mrs. Piper has told me to-day that she proposes to keep her agreement with Imperator, and she also said that she made no statement last week such as appeared in the New York Herald on Thursday. That statement was taken from the old interview.

"When I left her to-day Mrs. Piper said: 'Of course I shall keep my agreement with Imperator.'"

The editor of Boston Morning Journal continues:

NOT "SPIRITISTIC."

The next sitting, according to arrangements, will not be held for about three months.

Mrs. Piper still holds and expresses her view that the manifestations are not spiritistic. In this opinion she differs from Dr. Hodgson, but agrees with Prof. James. She feels that the telepathic theory is more probable than the spiritistic hypothesis, and her opinion is derived from intelligent study of the reports of the Society for Psychical Research in addition to other literature.

There is no doubt of Mrs. Piper's perfect honesty in the matter. She is unwilling to have it appear that she believes herself capable of communicating with discarnate spirits, but she admits the mysterious power is not easily understood or accounted for.

The Boston Advertiser of the date of October 25th contained the following announcement to which Dr. Hodgson alludes in the following letter:

MRS. PIPER'S OWN DENIAL.

Boston Advertiser, Oct. 25, '01.

Arlington. Oct. 24.—Mrs. Leonora Piper dictated this statement to a representative of this paper tonight:—

"I did not make any such statement as that published in the New York Herald to the effect that spirits of the departed do not control me. The article says:

"I most truthfully say that I do not believe that spirits of the dead have spoken through me, when I have been in the trance state as investigated by scientific men of Boston and Cambridge and the English Psychical Research Society, when I was taken to England to be studied. It may be that they have, but I do not affirm it."

"I did not make that statement.

"My opinion is today as it was 18 years ago.

"Spirits of the departed may have controlled me and they may not, I confess that I do not know.

"I have not changed.

"I fancy a feeling of envy prompted this statement.

"I make no change in my relations."

This is Mrs. Piper's first statement about herself to any newspaper for years.

In the first clause the sensation which has stirred this country and Europe is punctured. In the last the allegation of severed relations with the Psychical Society is stripped of its fiction.

The same journal adds:—

Mrs. Piper, positively shrinks from publicity and shudders at notoriety and the thought of eyes prying into her own private, domestic life, which is sacred to her. For this reason she is very, very reluctant and chary about saying anything even in her own defense.

She is keenly sensitive to what is said. The appearance of the story published in New York, which was reaffirmed only yesterday as authentic, culminated in the dictated utterance given above, which breaks a long and trying silence, and pulls down on the heads of those who have made the mis-statements the whole fabric of their pens.

Mrs. Piper has been nearly prostrated. Newspaper men have flocked to her home during the past few days, but she felt obliged even under the exasperating circumstances to deny herself to all, until finally a statement seemed advisable.

She says it is all she has to say, not one single syllable more, not one syllable less. Envy and malice, it is said, are the key to the

incident, first and last. Mrs. Piper is to-day, was yesterday and will be to-morrow, as she was 18 years ago. The publication of the New York story is perhaps due to what the Lydia Pinkham of the soul would term M. A. M.

Another root which has been growing in the public mind, that Mrs. Piper has been giving sittings to individuals outside of the Psychical Research Society, is also pulled out by her statements. Not even a fibre remains. She says she has not given a sitting to any one outside of the society.

People have asked her repeatedly, and besought her, but not a sitting has there been. Mrs. Piper stands by this assertion with great positiveness. There have been intermissions in her work for the society, but even in these there have been no sittings for others. A Rev. Mr. Free, Unitarian clergyman, is one who has been named as having been honored with a sitting. Investigation shows that he sought one, but was refused and all others have been refused.

The Journal also says:—

As a resident of Arlington Heights, as a member of the social and church life of the town, as a generous and delightful neighbor, as a wife, as a mother, as a matron in her own home, the life of Mrs. Piper is as near ideal as he is found here below.

She has lived in Arlington many years, about a decade, and there where she is known best, where she is seen day by day, among those who come in direct relationship with her, she is beloved the most.

Her life, her work, is in her own delightful home on Oakland ave., where the neighbors love to drop in, and where a most cordial welcome awaits all. There is no isolation by Mrs. Piper. She mingles as unaffectedly and warmly with her friends and neighbors as any woman. The care of her own home, which she has built on a most pleasant spot, and the attention of two young daughters who are attending school, are naturally the first to occupy her mind, and when she is not enveloped in her work for the Psychical Research Society, which demands her mornings, then, as any mother in a home, she moves among her friends and neighbors.

Often it has been rumored that she lived in a world of her own, and to this she says, yet in a kindly spirit:—

"I have had no intention of isolating myself, and have not intentionally done so. My duties have been such that they have confined me to my home during the past year or two. Up to that time I always went about, was friendly disposed to my neighbors, and they towards me, so far as I know."

Her neighbors know her, and speak of her as a representative American woman. Her neighbors say she contributes to charity, she attends their church, sends her children to their schools, and joins in their social diversions.

Psychical subjects are not tabooed, either. She as freely discusses them with those about her as with Prof. James or Dr. Hodgson. Oftentimes a neighbor will ask a question, and to all she has an intersting answer.

And concludes as follows:

She attends the meetings of the Woman's Club, goes to church fairs, and is an active member of the whist club, playing with a keen interest. As she talks with her neighbors about herself, when they have an inquiry to make, she says she does not know what the power is that she has. It came to her while a girl. She has never claimed to them, as they say, that she is a spiritualist.

She has frankly spoken of the power to tell of things that have occurred, but she never has claimed power to look into the future.

And here again her neighbors confirm her own remark about sittings. Not a neighbor has ever had a sitting. True, some admit they have sought them, but while many might have thought themselves called, not one has been chosen.

"Have you ever had a sitting with Mrs. Piper?" I asked a prominent resident, a neighbor, before I had seen Mrs. Piper herself, and he replied: "Not I, and I don't believe anyone else has."

Her neighbors say that all the mis-statements about Mrs. Piper have come from those who have been refused sittings.

Mrs. Piper has been sick a god deal, as many cares there are to worry her, but she pursues the even tenor of her way, quietly, happily, serenely, which is the way of her neighbors, and the regard and respect is mutually deep and sincere.

Dr. Hodgson of the Psychical Research Society visits her, as he has done almost daily this week as he has in the past, but outside of her own home her work never becomes "shop" talk.

RESULTS OF PSYCHICAL RESEARCH.

BY REV. MINOT J. SAVAGE, D. D.

"It—the Society's work—is the most important work which is being done in the world—by far the most important."
—GLADSTONE.

The Society of Psychical Research was organized in England in the year 1882. Its first president was Professor H. Sidgwick, of Cambridge. It is well known that he is one of the greatest ethical writers of the age. He challenged the common sense, the intellect and the scientific knowledge of England by the statement that it was a "scandal" that such alleged facts should go so long without any serious attempt at investigation. He was president of the society from 1882 to 1884. He was followed by Professor Balfour Stewart, F. R. S., who held the position from 1885 to 1887. Then from 1888 to 1892 Sidgwick again took the presidency. In the year 1893, the Rt. Hon. A. J. Balfour, M. P., F. R. S., was

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NOTE—By the Editor.

Rev. Minot J. Savage had accepted the invitation of the President of the Medico-Legal Society, for the December meeting, and his name was printed in the programme, but the state of his health and other causes prevented his coming, which he explained.

Later, when the discussion was resumed at the February meeting, he again wrote that he would be present and he was again announced to take part in the discussion. Again circumstances prevented his attendance, and he was so sure of attending that he gave no notice, and his seat was reserved till the end of the session.

The Society voted that his paper be printed as if he had attended, and the state of his health forbidding his attempting the preparation of a formal paper, he wrote suggesting that the Society accept the paper he had prepared on the subject for Ainslee's Magazine as a favor to him, which would appear in the March number of that magazine, or such extracts from it as would meet the editor's approval, with consent of that periodical.

Ainslee's Magazine, on learning of the situation, most kindly consented that the article by Dr. Savage might appear in the Journal, and its compilation of the papers on this theme by all the authors, and our members and readers are indebted to the courtesy of that magazine for the paper Dr. Savage contributes to the discussion.

REV. MINOT J. SAVAGE, D. D.
NEW YORK.

president. He was succeeded by Professor William James, of Harvard, for the years 1894 and 1895. From 1896 to 1899, the position was held by Sir William Crookes, F. R. S., the inventor of the famous Crookes tube, which was the stepping-stone to the discovery of the X-rays. During the year 1900, Frederick W. H. Myers held the presidency. The present president is Dr. Oliver Lodge, F. R. S., a prominent member of the British Association for the Advancement of Science. These men are mentioned as indicating the kind of persons in England who have been willing to enter upon this work. The society in this country was organized in 1885. After a time it was found better to make the American society a branch of the English, so as to give its members the advantage of the work done on the other side of the sea.

One of the first, and as a preliminary, one of the most important results of the society so far has been to make the study respectable. Under the shadow of these great names a man can look into these things without having his sanity impeached. "Good society," to be sure, has as yet no place for it, and one's friends may regard him with a tolerant smile; but he can investigate as much as he pleases now, without being regarded as anything worse than "peculiar."

There are many reasons why these matters should be studied. There are thousands of people in the modern world, to speak within limits, who are accepting reports of such stories as true, and who are shaping their lives by the beliefs which are connected with them. It seems to me clear that the matter involved compels us to choose one of two alternatives. We are here face to face with the greatest truth of the universe, or else with the most lamentable delusion, one or the other; and I, for one, cannot conceive that there is any other problem more important to be decided upon.

The kinds of facts which constitute the subject matter of the society's investigation are not at all new.

Reports of happenings of this kind are inextricably bound up with the origin, the contents and the history of every religion on the face of the earth. Indeed, it is hardly too much to say that they are the visible roots out of which the religions have sprung. They are the credentials which have been offered to authenticate all the revelations. Every religion is

full of them; every Bible is full of them. In making this statement, the Hebrew and Christian religions and Bibles are not excepted. Apparitions, visions, dreams, voices, spiritual and mental exaltations supposed to be connected with the communication of divine truth, transfigurations, levitations, annunciations, warnings—what are these but supposed facts woven into the very warp and woof of all the religions? They are of precisely the same kind as those alleged facts which are asserted to be taking place to-day, and which it is the object of the Society for Psychical Research to investigate. These alleged facts, then, are not new. Sporadic cases have been reported from all over the world and through all time.

The history of the world is full of reported apparitions or ghosts. Do such things as ghosts exist? I am perfectly certain that they do. This does not mean that I feel that I am ready to explain their origin or nature. I simply recognize the fact. Whether they are purely subjective or whether they represent some objective reality—this is a question to be settled in each particular case. I have many instances in my notes; but they must be omitted for the present.

There is one case, however, which is of a very extraordinary kind. It occurred about a couple of years ago here in the immediate vicinity of New York. There was a certain young man who had been studying abroad. He had been at Heidelberg University. He was of anything but an imaginative temperament. Tall and stalwart in build, he had a reputation as an athlete. His favorite studies were mathematical, physical and electrical. He had returned home from abroad, and so far as anybody knew, was in perfect health. He was at the summer home of his mother. It was his habit, after dinner, to go out on the piazza and walk up and down while smoking his pipe. One evening he came quietly in, and without talking with anybody, went up to bed. The next morning he went into his mother's room before she was up, and laid his hand on her cheek in order to awaken her quietly. Then he said, "Mother, I have something very sad to tell you. You must brace yourself and be strong to bear it." Of course she was startled and asked him what he

was talking about. He said, "Mother, I mean just what I am saying. I am going to die, and very soon."

When his mother, startled and troubled, pressed him for an explanation, he said: "Last night, when I was walking up and down the piazza, smoking, a spirit appeared and walked up and down by my side. I have received my call, and am going to die." The mother, of course, was seriously troubled, and wondered whether anything might be the matter with him. She therefore sent for the doctor and told him the story. The doctor made a careful examination, said there was nothing the matter, treated the whole thing as a bad dream or an hallucination, and told them that within a few days they would be laughing at themselves for letting such a thing worry them. The next morning the young man did not seem quite as well as usual, and the doctor was sent for a second time. Again he said there was nothing the matter, and tried to laugh them out of their fears. The third morning the young man appeared in still poorer condition, and the third time the physician was summoned. He now discovered a case of appendicitis. The young man was operated on and died in a couple of days. From the time of the vision until his death not more than five days had gone by. Some time after this experience the mother visited a psychic here in New York. She made no previous appointment, but went as a perfect stranger and waited her turn. The son claimed at once to be present, and told his mother a whole series of very remarkable things, which by no possibility could the psychic ever have known. Then, in answer to the question, "Who was it that you saw that night?" (the question being purposely so framed as not to seem to refer to any one out of the body), he at once replied: "It was my father." The father had been dead for some years, and the mother had been married again.

Telekinesis is the technical term which psychical researchers have agreed to use as covering cases of the movement of physical objects, which seem to require as explanation some force other than muscular, or, indeed, any kind which is ordinarily recognized by science. Space will not permit my detailing experiences of this kind. I wish however, to note that they exist, and must be dealt with as a part of the problem.

I wish now to detail as briefly as possible, and yet with some clearness, a considerable number of typical cases which are generally classed as mental phenomena. My purpose in this is to place the intelligent reader in such a position that he may be able to make up his own mind as to what theory seems best fitted to account for the facts. The two theories which at present are rivals in the field will be presented and dealt with after the cases are outlined.

I prefer to deal chiefly with such occurrences as I have been personally familiar with. Almost all of them find their parallels in the published proceedings of the Society for Psychical Research; but in detailing cases which I have personally known there are two advantages. First, they are of course fresher and more vivid in my recollection; and, secondly, they will serve the purpose of re-enforcing and confirming the observations and experiences of others which have been already published.

First, I had sittings with Mrs. Piper years ago, before the society was organized or her name was publicly known. On the occasion of my first visit to her, she was, I think, in a little house on Pinckney Street, in Boston. At this time she went into a trance, but talked instead of writing. She described my father and my half-brother, neither of whom she had ever seen. She described the death of this half-brother which took place in Michigan long before. But details of this are omitted for lack of space.

Second. Mrs. Piper had moved from the West End of Boston to a house in Roxbury. My daughter made an engagement for a sitting with her. She did this through a friends who was living in Roxbury, having this friend write the letter making the appointment, and having the reply come to her house under an assumed name, at least two miles away from where I was then living. My daughter went to meet the appointment, of course utterly unknown. A friend had given her three locks of hair. She placed them in a book, one at the front, one at the back, and one in the middle, so that they should not come in contact with each other. She knew nothing about them, not even as to whether they had been cut from the heads of people living or dead. After Mrs. Piper had gone into a trance, these locks of hair were placed in her hand, one after another. She

told all about them, gave the names, the name of the friend who had asked her to take them, told whose heads they were from, whether they were dead or living, and in regard to one of them, asked why they had cut it off at the extreme end of the hair where it was lifeless, instead of taking a lock nearer the head. My daughter, of course, did not know whether any of the names given or the statements made were correct or not. She made notes, however, and found that Mrs. Piper had been accurate in every particular.

Third. I have a lady friend who was the daughter of a New England clergyman, and whose husband in later years was also a minister. When she was a girl, this mediumistic power, whatever it may be, would take possession of her, not only without her will, but sometimes against it. She never sat for pay, but would occasionally oblige a friend who desired to witness experiments of this sort. One day a young German, apparently a "gentleman," whom she had never seen before, came and begged of her to give him a sitting. He said he had heard of her power, and had a very important reason for his request. She consented, and among other things, began, as she supposed, to jabber in the use of sounds which to her were without any meaning. When the influence had left her, she felt troubled and ashamed, and was going to apologize by explaining that she had seemed forced ot utter these sounds and was not able to control herself. The young German told her she need not apologize or explain. He said she had rendered him an incalculable service. He assured her that she had been speaking German, that his father had been talking to him. Then he went on to explain that this father had died suddenly, leaving his business affairs entangled so that they were utterly unable to straighten them out. This, he said, his father had now given him through her, and that the matter was perfectly plain. He wanted to pay her liberally for the service, but she declined. He afterwards sent her a valuable present as an expression of his gratitude.

Fourth. I now come to refer to a class of experiences of the most remarkable sort. To go into this with sufficient detail to make the whole matter perfectly clear, would necessitate the writing of a small volume. A few years ago there was a famous preacher to the poor in the City of Boston.

He and his wife both were particularly interested in those who had few other friends. They used to refer to these people as "my poor." In the old age of this minister he had a colleague. Both he and his colleague were intensely orthodox in their views, and naturally had nothing whatever to do with occult phenomena. After the minister's death, his former parishioners, these poor people, were naturally scattered in different parts of the city. Some of them in course of time moved to the suburbs, and even to other towns further away. It is a common objection brought against these manifestations that they seem matters only to amuse the curious, and never show an interest in any serious work of any kind. Now come some hints as to the nature of certain extraordinary facts. I asked the privilege of writing a small book detailing many of these experiences at length some years ago, but received a message purporting to come from the other side, forbidding my doing it. The reason given was that it would call attention to what was going on and interfere with the work. The work referred to was like this. For a series of years a loving labor of charity and help was carried on, involving no glory, no notoriety, no publicity, but the opposite. It cost effort and money to carry on this work, and nobody but two or three intimate friends were ever let into the secret. The widow of the colleague of this old clergyman was the "medium." She had never herself seen a medium in her life. She had had nothing whatever to do with ordinary spiritualism, did not believe in it, and, in fact, was opposed to it. She was, and is still, if living, not only orthodox, but intensely religious in her feelings. Such, then, was the situation. This old clergyman and his wife were the claimed agents in the unseen, who spoke through this widow of his former colleague, and made her the agent in their charitable undertakings. She lived in a town not far from the City of Boston. She would receive orders to go into town to such a street and such a number, and would be told that there she would find such and such a person or persons in such or such a condition, and she was to render them the service that was needed. Cases like this occurred over and over again. She would follow these directions, knowing absolutely nothing about the case except that which had thus been told her, and she said that there

was never a mistake made. She always found the person and the condition as they had been described to her, and she did for them what their case required. In one instance she traveled to a city in another state under orders like these, knowing not even the name of the person she was to seek out, except that which had been told her. She found the case, however, as it had been reported, and rendered the called-for assistance. Not all of these were cases of mere physical need. Some of them were instances of rescue from moral peril, the description of which would read like a chapter in a sensational story. As a part of this general ministry, another happening is worthy of record. The daughter of this old minister received explicit orders claiming to come from her father, and through his colleague's widow as the medium, to enclose twenty dollars in an envelope and send it to another town, directing it to an address of which she had never heard. She hesitated about sending the money in this way, and wanted to wait and get a check so as to avoid risk of loss. She was peremptorily ordered, however, not to wait, as the matter was one of immediate and vital importance. She sent the money as thus directed, two ten-dollar bills. I have had the privilege of reading the letter acknowledging its receipt. It was written with difficulty, in the use of a lead pencil, and the grammar and spelling were poor. One could, however, almost hear the drip of tears as he read it. It told a story of abuse and desertion on the part of her husband. The forsaken wife had done all she could to keep her little family together. She had reached the end of her endeavor, had just pawned her last bit of decent furniture, and with the proceeds had bought some charcoal and was making preparations to go out of the world and take her children with her when the money arrived.

Fifth. There are cases of prophesy—I only note the fact; but cannot stop for special instances.

Sixth. Under this head, I will only say that, at my request, the invisible intelligence has sometimes gone away for me, found out some fact unknown to any one present, then come back and told me about it.

Seventh. I have already referred to one case where the invisible intelligence goes at my request to find out something and report to me. This was in the city. I now refer

to another illustration of the same kind, only more remarkable still. In this case the invisible intelligence went at my desire and reported occurrences taking place at the time in the State of Maine.

Eighth. I was having a sitting in my study with a friend, a psychic. During this sitting I held an hour's conversation with what was claimed to be a "dead" friend—as natural a conversation as I ever had with her living. The psychic did not know that such a friend had ever lived.

I was holding sittings with this friend, acting as psychic, once a week. Soon after this, at the very beginning of our next sitting, this same friend claimed to be present, and at once began to tell me of mental experiences and sufferings through which her sister in Maine was at that time passing. The psychic knew nothing whatever of this sister, and I was entirely ignorant of the existence of the troubles referred to. The communicator calling her sister by name, said, "She is passing through the greatest sorrow of her life. I wish I could make her know that I care. I wish you would write to her for me." When I asked her the nature of the trouble, there was a distinct and definite hesitancy about replying. The impression made on me was that I was treading on delicate ground, and that the question was being considered as to whether I had better be told. At last, as though no other way out of it was seen, she told me that the difficulty was caused by the unfaithfulness and cruelty of her sister's husband. I had never seen this husband but once, and had no way of knowing that the marriage was not perfectly happy. I wrote a letter of inquiry, however, asking whether any special trouble existed, and if the nature of it was such as to make it possible for me to be told what it was. I received a letter by return mail, confirming every word that had been told me, and begging me that the letter might be burned as soon as it was read. In this letter there was a little human touch that impressed me a good deal. What claimed to be the sister in the invisible, had said, "I wish I could make her know that I care." In the letter I received from Maine there was the same human feeling out after sympathy which had appeared on the invisible side. She wrote: "When my sister was alive I had some one to whom I could go in my troubles. Now I am all alone." I confess that this attempting to

bridge the gulf by these corresponding outreachings for human sympathy seems to me most natural and very impressive. The peculiarity of this experience lies in the fact that here the intelligence in Boston, which has shown itself capable of telling where a person is and what she is doing two hundred miles way, now reaches beyond the external physical facts, and gets at the existence of secret sorrows of the heart and comes and tells me of them in the most natural and simple way in the world. And these were precisely such things as this friend would have come to me with had she been living and able to do so. At the same time, let me repeat, they were things of which the psychic by no possibility could have known anything, or of which I should have even dreamed or guessed, and that they came to me with a great shock not only of sorrow, but of surprise.

Ninth. I am now to detail a little experience which seems to me to have about it certain features which are very unusual, and therefore worthy of special remark. Never in my life, until my son died two years ago, did I attempt to get into communication with any special person at any sitting held with any medium. I have alweys taken the attitude of a student trying to solve the general problem involved. On two or three occasions, however, within the last two years, I have tried to see if I could get anything that appeared to be a message from my boy. He died two years ago last June at the age of thirty-one. I was having a sitting with Mrs. Piper. My son claimed to be present. Excluding for the moment all other things, I wish definitely to outline this one little experience. At the time of his death he was occupying a room with a medical student and an old personal friend, on Joy Street, in Boston. He had moved there from a room he occupied on Beacon Street since I had visited him, so that I never had been in his present room. I knew nothing about it whatever, and could not even have guessed as to anything concerning it which he might say. He said: "Papa (and this with a great deal of earnestness) I want you to go at once to my room. Look in my drawer and you will find there a lot of loose papers. Among them are some which I wish you to take and destroy at once." He would not be satisfied until I had promised to do this. Mrs. Piper, remember, was in a dead trance at the time, and her hand

was writing. She had no personal acqaintance with my son, and, so far as I know, had never seen him. I submit that this reference to loose notes and papers which for some unknown reason he was anxious to have destroyed is something which would be beyond the range of guesswork, even had Mrs. Piper been conscious. Though my boy and I had been intimate heart-friends all our lives, this request was utterly inexplicable to me. It did not even enter into my mind to give a wild guess as to what he meant, or why he wanted this thing done. I went, however, to his room, searched his drawer, gathered up all the loose papers, looked through them, and at once saw the meaning and importance of what he had asked me to do. There were things there which he had jotted down and trusted to the privacy of his drawer which he would not have had made public for the world.

Tenth. Years ago, a world-famous naturalist came to Boston and delivered a course of lectures before the Lowell Institute. He had been trained in his youth as a clergyman of the Church of England. He told me that in his early life he had looked upon all these matters with contempt, but had been startled into making them a study by some personal experience. The result of it was that he and other friends organized a circle composed of sixteen people. They held sittings every week when they were in London, during a period of seven years. There was no one possessing mediumistic powers in this circle at the time when they began the sittings; but as they went on, psychic powers of every description were developed within the limits of their own membership. Among these sixteen are the names of people known all over the world, and who would be readily recognized if I should mention them. It would seem like a chapter out of the "Arabian Nights" if I should detail the things which this naturalist told me as having occurred at their sittings. What I have said is only an extraordinary introduction to one little incident which I wish to detail. This naturalist himself became an automatic writer. One member of the circle had a brother who was an officer in the army. They had talked over these things, and the brother had promised that if he died first he would try, if possible, to communicate. This gentleman came into the private room

of the naturalist one day and said, "I wish you would see if you can get any writing." He did not feel like it, but as a matter of accommodation sat down and took paper and pen. Pretty soon his hand began to move, made certain meaningless scrawls at first, and then began to string letters together in the form of words. As, however, he looked on what he had written, it seemed to him without any meaning. He told me that if they were words at all, they were not words in any language with which he was acquainted. The friend asked him what he had obtained, and he remarked, carelessly, "Oh, nothing. It's nonsense; at any rate, it has no meaning to me." Whereupon, the friend himself came and looked over the paper, and started with surprise. He said, "Perhaps it has no meaning for you, but it has all the meaning in the world for me." And then he explained that this brother, who at this time was dead, had made up certain words out of his own head. They were not words in any language, but they were arbitrary arrangements of letters which appeared like words. He had given these to his brother, and had said, "If I can ever come to you I will bring these as a test. If I do not bring them, you need not believe that it is I." And here the naturalist, in absolute ignorance of these facts, had reproduced the identical combinations of letters which the officer years before had made as a proposed test for his brother.

Eleventh. There is a lady living in a small town in the northwestern part of the State of New York. Her husband died a few years ago. On one occasion she had a sitting with Mrs. Piper, but did not get results which were wholly satisfactory to her. About a year ago, on the occasion of some anniversary—whether of his birth or their wedding, I do not know—she went to the cemetery to place on his grave some flowers of a special kind of which he had been fond. Suddenly, and to her great surprise, she felt a vivid impression of his presence. It was so marked that she spoke to him as if he were there. Then she said, "If you really are here, you go straight to Dr. Hodgson through Mrs. Piper, and tell him so. Tell him what I am doing. Do this as a test, so that I may know." It happened that at this very hour Dr. Hodgson was having a sitting at Arlington Heights with Mrs. Piper. Into the midst of the sit-

ting, breaking into the communication that was supposedly being received from some other source, this personality came. He detailed at length and in particular the fact that he had just been to his wife's home, and had found her at the cemetery placing flowers on his grave. He told what these flowers were, and said, "She has begged me to come and tell you about it as a test, and I am here." Careful note was made of these facts, and as soon as communication could be made by mail, they were verified in every particular.

Twelfth. An English girl was engaged to be married to a young American who had been a student abroad. They had met at Heidelberg. He died suddenly after returning to this country. She came over here shortly afterward to visit his mother. While in New York she went to a medium. There was no appointment beforehand, and there was no way by which the psychic could know who she was. Taking her turn, she sat down by the medium, who went into a trance and began to speak. Immediately the girl's lover claimed to be present. He told her a number of things which only they two had ever known. He recalled circumstances connected with their acquaintance abroad. Now, it so happened that this young lady's father was an English officer in the war in South Africa. Among other things which the young man told was this: He said, "I am glad that I have been able to save your father's life once or twice during the past summer." Now comes the strange coincidence, if coincidence only it be. The father writes home from South Africa, being entirely ignorant of all that had taken place here, and relates what seems to him a somewhat remarkable fact. He tells how he was sitting in his tent one day when there came upon him suddenly an unaccountable impression that he was in danger. It was as though some one were trying to make him feel this and induce him to move. So strong was the feeling that he got up and went over to the other side of his tent. He had hardly done this before a shell struck the chair where he had been sitting. Had he remained there he would have been instantly killed. Of course, it is not asserted that this is anything more than a coincidence; but the suggestion is made that coincidences of this sort have been so very frequent as to make one wonder as to whether there is not some deeper meaning in it all.

It may be worth while now, roughly to classify the kinds of facts which are communicated. This will help us to see as to whether one theory or another seems more easily to fit the case.

First. There are hundreds of facts communicated with which one or more of the sitters who are present are well acquainted beforehand.

Second. There are things told which none of the sitters ever knew, but which it is possible the psychic may have known.

Third. There are no end of facts communicated which the psychic by no possibility could ever have known, but which may have been known to some of the sitters.

Fourth. There are facts related which no person present, sitter or psychic, ever knew.

Fifth. There are things told which are not known by any of the persons present, but which presumably may have been known by some living person somewhere in the world.

Sixth. There are cases of facts communicated which no living person in the world knew at the time or could possibly have known.

The object of this classification is only to call attention to the point that the theory which is ultimately accepted must be one capable of including and explaining all this variety of facts.

It must also be remembered that apparitions and the movements of physical objects must be accounted for.

TWO THEORIES.

Now, there are only two theories which at the present time claim the serious attention of serious people. These are what have come to be widely known as the telepathic and the spiritistic theories. So zealously is the telepathic theory held to and advocated by the determined opponents of the spiritistic that the impression is made on the public mind that we know a good deal more about telepathy than we really do. Let us see just what it is that we know.

TELEPATHIC THEORY.

There are sporadic cases of impressions or definite communications made between living minds at a distance. There are enough of these, and they are definite enough to pre-

clude the theory of coincidence, so that they are recognized by all serious students as real. They are, however, as I have said, generally sporadic. The law in accordance with which they take place is not known, and they are not producible at will. Attempts have been made to communicate definitely from mind to mind, but with somewhat indifferent success. There have been hits enough to show that something real was taking place, but the hits have not been so numerous as the misses. This, then, is the real state of our knowledge in regard to telepathy. The theory is stretched and made almost all-inclusive, and the supposed agent at work is credited with almost unlimited powers and universal knowledge. This is done, not because there are any facts in existence to support such a claim, but merely because it seems to be the only alternative if the serious student wishes to escape the acceptance of the spiritistic theory.

OBJECTIONS TO TELEPATHIC THEORY.

That the sub-conscious self can go at will and get facts, now in one country or state, now in another; that it can stek out at will the friends of the particular sitter who happens to be present; that it can select facts which concern both living and dead, and which are apart from each other by years in time, as well as by thousands of miles in space; that it can combine separate qualities so as to successfully simulate a personality and that the particular personality which the case requires; that it can at different sittings bring together just the facts to fit the person claimed to be present; that at a subsequent sitting it can remember all these multitudinous details, begin where it left off weeks before, and go on in perfect consistency with all the facts brought out before; that all this is possible to the subliminal seems to pass the bounds of belief.

If, now, the reader will carefully look over the numbered list of cases which have been presented, he will be able to make up his own mind as to what ones of them would seem to be explicable on the theory of telepathy and what ones would not. There are at least half of them, which, in my judgment, telepathy does not touch. If any one chooses to assume that the subliminal consciousness of somebody can do any conceivable thing; travel over the world and find out any conceivable item of knowledge; tell of things that no-

body in the world knows; resurrect facts from a long-distant past, and move physical objects without physical contact—if, I say, any one chooses to assume a theory like this, why, there is nobody who can prevent his doing it. But if he claims that it is scientific or that there are any known facts or adequate reasons for such an assumption, then, I submit that he will be likely to place under suspicion his reputation as a sane, fair-minded and careful investigator.

SPIRITISTIC THEORY.

Let us now turn for a little and consider the spiritistic theory. It is an axiom of science that one must keep to the nearest and seemingly most natural theory in attempting to explain facts which are not yet scientifically accounted for. We must not explain the unknown by something else which is still more unknown. But it seems to me that a reasonable claim may be set up in favor of the statement that the spiritistic theory is nearer to the natural and normal than such an expansion of the telepathic as would seem necessary to account for the facts with which we are dealing.

If we assume the existence of the people who used to inhabit this earth, their agency might easily explain and account for all the wide varieties and classes of experiences which we have been considering. This theory would naturally account for all the mistakes and failures which have been recorded. We know that people in this world make mistakes and forget. and there is no reason to suppose that the moment a man dies he becomes either a perfect angel or a perfect devil. There is nothing in the fact of death with which we are acquainted to suddenly change one's nature or personal characteristics. What the difficulties of communication are on the spirit side—if there be any spirit side and any communications—we do not know. That difficulties should exist, it is not unreasonable to believe. It is no part of my present purpose to go into a discussion of what these may be. I only wish, in a general way, to assert that I have never had an experience or known of a well-authenticated account of one which might not be rationally explained on the supposition that there are invisible beings about us, who are interested in our affairs, and who, under certain conditions, can come into contact with our lives.

It may be important, however, to note briefly a few objections which, so far as my study of these matters is concerned, have been frequently brought up.

OBJECTIONS TO SPIRITISTIC THEORY.

First. It is commonly said that the communications which are claimed to be received from the other life are trivial. They seem to me to be very much what we ought to expect, on the supposition that death does not radically or suddenly change people, whether as to character or intelligence. People have frequently asked me what sort of messages I have received; and I have sometimes said that they were about on the level of my daily mail. I get wise letters and commonplace ones and foolish ones; but those which really come from noble and wise people are not always over-dignified, nor do they deal with the great problems of the universe. They are frequently taken up with the simplest, commonest, most personal matters; but they are perfectly natural and fitting in the circumstances which called them forth. If people after death are just "folks," substantially the same kind of people they were here, introduced into new conditions, and with infinite possibilities of growth and progress ahead of them, there is no reason why we should not get from them at first simple personal messages, if we can get any.

And it is to be remembered that if their object should happen to be to convince the friends left behind that they are still alive and that they maintain their personal identity, this could be more readily done by reference to old and common and simple things than in any other way.

Second. It is said that we get no satisfactory descriptions of another world or another life. Here two points may well be made.

In the first place, if they should enter into elaborate and magniloquent descriptions of another world, we should feel at once that the statements were open to suspicion. At any rate, there would be no way of our testing the matter and finding as to whether what they had told us was true or not; and the one thing of importance, at the outset, at any rate, is, if such a thing is possible, to establish the fact of continued existence and of personal identity.

It may well be true (and this is what the intelligences communicating have told me over and over again) that it is im-

possible for them to give us comprehensible descriptions of their present state of being. A very little thought will show us that all our knowledge is limited by human experience. If, then, the conditions of that life transcend human experience—and most certainly we should expect them to do so—then by so much as they transcend what we have so far experienced here by so much they must remain unknown to us until we get there. It may be possible and practicable to establish the fact of continued existence, and yet it may remain impossible for us to get a clear and definite idea as to the nature of that other life. This seems to me precisely what in the nature of things we should expect.

Third. If by important communications from the other life it is meant that no high and fine ethical and spiritual teaching is received then the statement simply is not true. If any one will take the trouble to make himself acquainted with the best literature in this direction he will find that there is no nobler religion, no grander morals, no sweeter humanities, no more hopeful outlook for the world to be found anywhere on earth than is to be found here.

Fourth. It is sometimes said that the spirits have done no good. The question is asked as to why they do not help somebody; why they do not solve our perplexing mysteries, unravel judicial tangles, give evidence in courts of justice or engage in works of philanthropy. The answer is, that so far as these law points are concerned, though I have seen them suggested more than once in the newspapers, they are absurd on the face of them. Is there any judge in Christendom who would accept testimony from this source as a part of any judicial trial? There are on record no end of cases where mysteries have been solved and family tangles unraveled. There are a good many other cases where attempts hav been made in this direction, but where the persons concerned have refused to have anything to do with them. There are on record a large number of cases (and with many of them I am familiar) where great services have been rendered, sometimes even to the saving of life. As to good being done, among the cases which I have offered in this article, are those of practical philanthropy, wide-spread and long-continued.

Fifth. Another objection offered frequently as against the spiritistic theory is that so many sittings are failures. Here let it be remembered that a great many who claim to be mediums are outright and intentional frauds. There are others among them who are undoubtedly honest, but self-deluded. Certain strange things happen, and they straightway fly off to another world to find an explanation for them, when it might easily be discovered nearer home. The failures that occur in the presence of those who possess genuine psychic power, seem to me to be very easily explained. If these communications do come from real people in an invisible world, then of course the psychic has no more control over them than does a telegraphic operator over a message that may be received for transmission at the office. If there is no one who wishes to communicate, or if the one who is desired is not present, then of course the sitting, from the point of view of this world, would be a failure; but the psychic would not be to blame. Indeed, on this theory the frequent failures of the psychics are a point in their favor. If they were expert tricksters merely, there would ordinarily be no need of failure; and on the theory of telepathy it would seem that they ought not so frequently to occur. In other words, it seems to me that this fact is a point against the telepathic theory and in favor of the other.

CONCLUSION.

In conclusion, then, let us take note of a few facts. All normally constituted people wish to continue to live beyond the incident of death. It was this great faith which more than anything else or all other things combined gave the young Christianity its power of conquest over the Roman world. But the happenings which made the early Christians feel sure took place a good many years ago. The witnesses for them are now not accessible. We have not the first-hand testimony of a single eye-witness to any of them. The modern spirit of inquiry has raised the spirit of doubt in thousands of minds. The world would like, and the world needs, a re-enforcement of its trust in this direction, if it may be legitimately obtained. The great representatives of the Christian faith are constantly lamenting that our modern civilization is in danger of being submerged beneath the floods of dark materialism. In our great cities the pos-

session of wealth appears to be the great object of the majority of human beings. The churches lament that the methods by which a man becomes wealthy are easily forgotten, and that the simple fact of wealth assures a man high position in society, and a preponderating influence even in the church itself. On the other hand, the great mass of the world's laborers are restless, and the foundations of our social and industrial order seem to be threatened by the upheaval of this wide-spread discontent. The Socialists in Europe are openly saying, "It used to be the church and the nobility; now it is the church and the bourgeois. They have been telling us from time immemorial that we ought to be contented in the position in which Providence has placed us, and look for our reward in another world. We no longer believe in any other world, and we propose to have our share of the good things in this. If we cannot get them by peaceful means, we propose to get them anyhow." And, after all, can any serious thinker very much blame them? If this world really is only a cosmic dog-kennel, whose roof is the over-arching blue; and if, when we get through here, that is the end of us, why should one fortunate animal sit beside a huge pile of very attractive bones a thousand times more than he himself can devour, and, like the dog in the manger, spend his life in keeping them from being devoured by anybody else? If the time ever comes when the belief in another life has entirely faded out, then our present slowly-progressive order of affairs will experience such earthquakes as the past has never known. I believe that a real working conviction that man is a soul and has a body, and that Browning's saying is true that the only matter of importance is "the culture of a soul," is more vital to the welfare of the world than all our development of wealth, all our inventions, all our discoveries, all our enormous advance of knowledge in any other direction. Buckle, the author of "the History of Civilization," says, "If immortality be not true it matters little whether anything else is true or not." This conviction would put meaning into the life of the rich man and make him feel that the real thing to live for is the development of the character of men and helping them to find and live out their true selves. On the other hand, it would be an unspeakable boon to the poor. It would not make them con-

tented to go without the means of decent living, of culture and of self-development; but it would help them to know that the real man was something more than the means of living. It would make them know that the best things of the world are no monopoly of the rich or favored class. It would make them know that he who is true to himself and to his high ideals is living the only succesful life. It would make them know that this world is only a primary school. It would help them to remember that the important thing is not a cushioned seat in the school-house, nor velvet-covered text-books, nor rich stuffs for clothing. They would understand that the only important thing is to get one's lessons well and be ready to graduate. It seems to me, tben, that 1 say well that a new, a great, a working conviction in this direction, as revealing to man his essential self, is the most important object of knowledge for the modern world.

There is no fresh evidence likely to be discovered along any other lines than those of psychical research. As said at the outset of this article, these statements of fact which are being investigated now are of precisely the same kind and general character as those on which the great religions of of the world have been based in the past. The advantage is with the modern statements, because the happenings can now be investigated, and the witnesses to them can be cross-questioned. But while the world would like a re-enforcement of its faith in the hereafter, all sane and honest men desire above all things else that the simple truth should be known. All honest inquiry will exert itself to the utmost to avoid any bias likely to lead it astray. As the result of the careful investigations of serious-minded inquirers, a large body of facts has at last been satisfactorily established. These things have not been done in a corner, and they can no longer be simply sneered at and set aside. Statements of facts which are acknowledged by all competent students of these matters have been presented in this article. Enough of them have been set forth to give the intelligent reader grounds for judgment as to their importance. Only two theories have been seriously advanced to account for them. One is telepathy, or mind-reading, and the other is that they are the work of invisible intelligences. I confess that I strongly incline to accept the latter theory. It seems to

me more simple, more natural, nearer to what we really know, and better fitted to explain all the facts. I am compelled, therefore, to accept it as a provisional hypothesis. If somebody can explain my facts in some other way I should be bound to consider what he might have to offer; for no man can afford to close his mind to new truth. He must be ever ready to reconstruct his theories and make them accord with any newly discovered facts.

Here, then, I rest for the present. The reader must, if he be serious-minded, not put these things one side, but consider them carefully. Then, as to what they mean, "let every man be full persuaded in his own mind."

SPIRITISM AND MRS. LEONORA E. PIPER.

BY PROF. J. H. HYSLOP.

I stated to Prof. J. H. Hyslop the situation our discussion occupied before the Medico-Legal Society and called his attention to the article in the New York Herald containing an alleged report of an interview recently published, as it appeared in the Herald, and in the same issue one with Rev. Dr. J. Minot Savage, and asked his permission to publish it as authorized by him as a part of the pending discussion.

He said he would correct the Herald's article, and send it to me as he corrected it for that purpose. The following is his letter containing the article in the Herald as corrected by him:—

Saranac Lake, N. Y., March 9th, 1902.

Mr. Clark Bell,

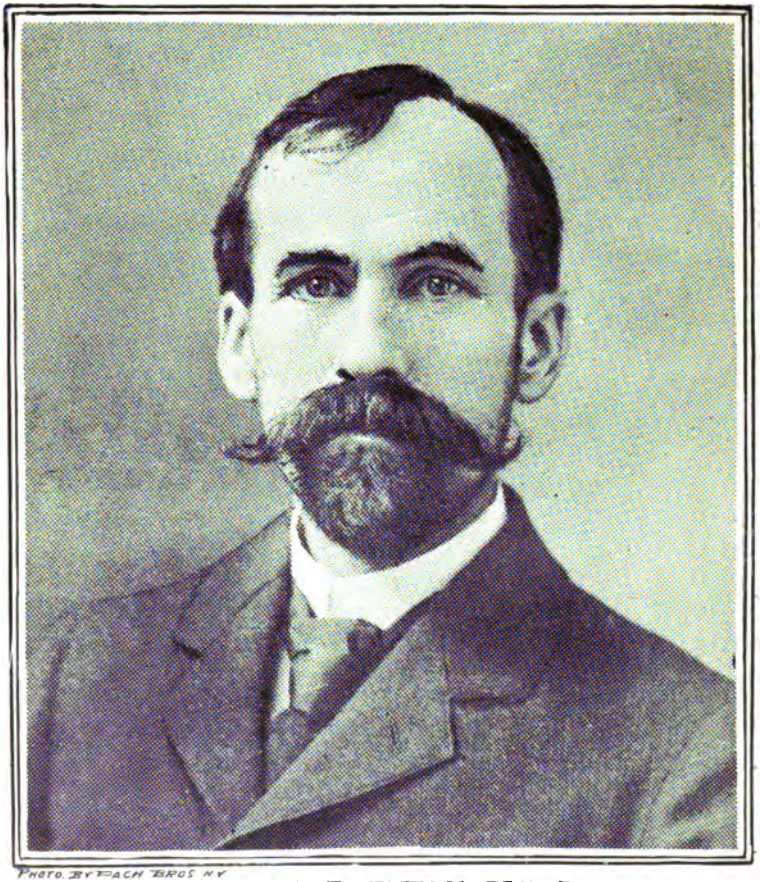
Dear Sir.—The interview in the Herald to which you call my attention is not accurate or complete. The first part of it is very inaccurate and some of it entirely false. The part of it which I enclose is more nearly what I said, though quite fragmentary, and in some features of it incomplete. I cannot at this date repeat it, and content myself with the statement that what I enclose of it may be good enough to represent my sentiments. What I have omitted in the rest of the interview may be considered as either wholly false or misleading. The incident about the oil lands in West Virginia is very incomplete, and does not show why I regarded it as an interesting case of chance. I mean some day to show this with a collection of like cases. The quotation of this interview by the New York Sun in the issue of March 3rd, is misleading. It quotes an incident as if I intended it to be spiritistic, while the Herald account does not indicate that I did so, and when I quoted it to the reporter I indicated it as a coincidence. Our poor newspaper editors are, as usual, as bemuddled on these matters as if they had been taking too much champagne.

"We pay no attention to what Mrs. Piper thinks of psychical phenomena or even regarding her own powers. We would be fools if we did so. Our task is simply to investigate the origin of the messages she transmits while she is an unconscious agent.

The following is from the Herald:

"I know of an instance of a man who called on a friend. While seated alone in a room he saw an apparition, the distinctive features of which was a standing collar on which two turned down points were visible, with a stringlike tie about it.

"When the friend entered the room the man asked him what he had been thinking about. He said he had been wondering whether he would wear a standing or a turn-down collar.



PROF. JAMES H. HYSLOP

[Through the Courtesy of the N. Y Herald.]

SUBJECT IS COMPLICATED.

"Well, what was that? You may call it mental telepathy or what you will. We are trying to learn how such matters originate. The subject, however, is more complicated than any other scientific one. The general public has no idea of the complications.

"Still, we have made some advances since the Society for Psychical Research was founded, in England, in 1882. We have gone so far as to be able to classify the subjects for investigation. We may never learn anything from our study of the subject, or it may be that one hundred or one thousand years may pass before any important discoveries are made. Still, it is, as Dr. Savage says, the only way, through the field of science, in which we may learn anything about a future life.

"We know at least that we ought to investigate the phenomena in order to determine whether such things are really spiritual manifestations or merely hallucinations. If we do that, and learn the origin of the mysterious happenings from the days of the Witch of Endor to our time, we will have accomplished something.

SHOULD UNDERSTAND MUCH.

"Nobody should engage in this work of psychic research who is not familiar with all forms of hallucination, insanity, secondary personality and all the methods of charlatanism.

"It is undoubtedly true that frauds and charlatans seek to impose on persons who believe in spiritual manifestations, but the experienced investigator can easily detect their tricks. Nor should the element of chance be overlooked in occurrences of this kind.

"Chance plays many curious tricks. I know of the case of a man who returned home hungry, but who fonud that his dinner was not ready. While waiting he picked up a book. While leaning against an open window the book fell from his hand. He caught it as it fell against the window sill. The edge of a page was turned up by striking the sill, and on looking at the page he saw a passage referring to a person who was waiting for a meal while hungry. That was mere chance.

"I once visited a so-called psychic, accompanied by two friends. The psychic told me that I had recently been interested in oil fields in West Virginia which had been involved in litigation, during which two men had perjured themselves.

"Now, those statements were true, but his words were merely a random shot. Nevertheless, it is the duty of the investigator and teacher never to let his pupils get ahead of him. He must inform himself on all matters whose origin is involved in doubt."

Very truly,

J. H. HYSLOP.

SPIRITISM AND TELEPATHY.

BY C. VAN D. CHENOWETH, OF WORCESTER, MASS.

Among the most gifted members of the Psychological section is Mrs C. Van D. Chenoweth, of Worcester, Mass., one of the vice chairmen of the section, who is a thoughtful student of all psychological questions, to whom I wrote to take part in this discussion and who wrote me that circumstances and accident had prevented her from making any study of Mrs. Piper's phenomenal work, and who preferred on that account not to participate, but on my asking her for a few lines on certain aspects of the subject sent me the following:

Clark Bell, Esq. Worcester, Mass.

Dear Mr. Bell.—Any reader familiar with the published proceedings of the Society for Psychical Research in their relation to Mrs. Piper, must be deeply interested in the valuable papers upon the same subject contained in the Medico-Legal Journal for December, 1901.

With regard to telepathy, it is so much easier to believe than to disbelieve, that the great thought-producing power of man may have latent means of transmission not yet discovered, that I hold myself prepared for most interesting development in this direction.

I understand that telepathy recognizes the genuine interchange of thought, not necessarily confined to the humble symbols by means of which we are accustomed to express ourselves.

That thought, now so imperfectly transmitted through the medium of language, may be communicated in all its primal vigor and splendor by one intelligence to another, perfectly in accord, is rather an overpowering suggestion; but if I read my Wordsworth aright, that most mystical and emotional as well as most practical of English poets, this is precisely the view he indicates.

The wonderful mechanical devices of the day greatly foster the idea of poorly directed, as well as sadly wasted, mental energy; and I dare say that the time will come when we shall so clearly comprehend the carrying power of these good machines which we possess within us, that telepathy will seem less strange than wireless telegraphy.

If ever we get at facts touching the life beyond, I think we shall find telepathy between the living to have been the first step.

But life everlasting is such an inconceivably great thing that it seems to me the few years spent upon this earth might very well be the merest phase of being which could readily drop away from the

C. VAN D. CHENOWETH
WORCESTER, MASS.

wrapt consciousness of a soul strenuously bent upon higher development. An idea which would not preclude of future meeting when we too have attained.

As you know, I have never felt the slightest desire for any one to mediate between my beloved dead and me, and doubt, moreover, the ability of any one to do so.

The thought is distasteful.

I had the honor and privilege to be one of the somewhat early members of the Society for Psychical Research, and none values more highly the disinterested labor of this learned body.

The great names upon that roll command the world's respect and gratitude. I remain, my dear Mr. Bell,

Most sincerely yours,

C. VAN D. CHENOWETH.

BY THE EDITOR.

In closing this discussion I do not see how it would be at all justifiable in me to omit the statement made by Mrs. Piper as published in the New York Herald of October 20th, 1901, on which the controversy was initiated and on which it must of necessity largely hinge. The following is the statement as published by the Herald, who gives its permission to allow it to be published in this discussion, although copyrighted by the Herald, to whom we are also indebted for the portraits of Mrs. Piper, Prof. Hyslop and the contribution of the Rev. Geo. H. Hepworth.

The Medico-Legal Society and its Psychological Section are further indebted to the New York Herald for notices of some of the articles which have been contributed to this discussion by several of the authors, and the Medico-Legal Journal and its editor feel most grateful for the kind courtesy of the Herald in this regard.

The title of the article in the New York Herald was

MRS. PIPER'S PLAIN STATEMENT,

BY LEONORA E. PIPER.

The time having presented itself when it seems possible for me to be liberated from the Society for Psychical Research, I desire to state a few facts.

I will begin by saying that publicity has always been distasteful to me. My home duties have been and are the chief source of my greatest pleasure. But as my name has been before the public for fourteen years, while my case has been studied, and as the subject of psychic phenomena has, especially of late, aroused public attention, I believe it is right for me, in resigning from the service of the Psychical Research Society, to speak frankly to the public in my own individuality, in response to the request of the New York Herald.

NOTE BY THE EDITOR:

We have followed the Herald typographically, and have put in small capitals some sentences as they appeared in the New York Herald.

We have omitted some explanatory head notes which form no part of her statement.

MRS. LEONORA E. PIPER.

[Through the Courtesy of the N. Y. Herald.]

In the service of the Society I have acted simply as an automaton, going into what is called a trance condition to be studied for purposes of scientific investigation, and also for the comfort and help of many suffering souls who have accepted the spiritistic explanation of the words which I unconsciously spoke while in this dreamy state.

It is undeniably true that many bereaved people have been at least temporarily comforted in sorrow. This is in itself a compensation for long devotion to this work. Apart from this, I do not feel that the world at large has derived a sufficient benefit from the many years' investigation of my case to warrant my continuing in it. Besides, personal circumstances are such that it would be impossible for me to do so.

After having given so many years of my life to this work, I now desire to become a free agent, and devote myself and my time to other and more congenial pursuits.

The world to-day knows that among scientific men the opinions on psychic phenomena are many and varied. I have always maintained that these phenomena could be explained in other ways than by the intervention of disembodied spirit forces.

The theory of telepathy strongly appeals to me as the most plausible and genuinely scientific solution of the problem. To strengthen this opinion are many authentic experiences which have all been satisfactorily explained by means of the telepathic hypothesis.

I am inclined to accept the telepathic explanation of all of the so-called psychic phenomena, but beyond this I remain a student with the rest of the world.

The lamented Phillips Brooks once said, after a sitting with me, when I asked him for his candid opinion on the subject:—

"It may be the back door to heaven, but I want to go in by the front door."

I also prefer to go in by the front door if I am fortunate enough to enter.

I must truthfully say that I do not believe that spirits of the dead have spoken through me when I have been in the trance state, as investigated by scientific men of Boston and Cambridge and those of the English Psychical Research Society, when I was taken to England to be studied. It may be that they have, but I do not affirm it.

In leaving the service of the Psychical Research Society I wish to state as clearly and definitely as possible my true position in regard to my relations with the society and my own views on the subject, which has aroused so much public attention during the last few years.

Only by the merest chance did I discover that I possessed a power wholly unexplainable to myself and mystifying to my family and friends. It was on account of my desire to understand the phenomenon and prove its nature that I gave myself up to scientific investigation and willingly placed myself in the hands of honored scientific men, who expressed the wish for me to do so, with the full understanding on both sides that I should submit to any form of test they might see fit to apply. In doing this, however, the thought of making it a remunerative occupation never once occurred to me, although since then I have as a matter of fact done so.

I must say that after having been associated with the society for about fourteen years I have no more definite knowledge concerning the subject than when I began.

During the experience of these fourteen years innumerable questions have been asked regarding my belief, some of which I will answer here and now:—

"Are you a spiritualist?"

No. I have never considered myself one.

"Have you never had any convincing proof of the possibility of spirit return?"

I cannot truthfully say that I have.

"Were you ever thrown in company with mediums or spiritualists before you took up this work?"

I never knew anything about mediums or spiritualism. In fact, the subject never had any attractions for me.

"Then why have you remained with the society so long?"

Because of my desire to ascertain if possible whether I were possessed or obsessed.

"What position do you consider that you have filled with the society?"

Simply that of an automaton.

"You say you are not a believer in spiritualism. What, then, is your opinion in regard to the utterances made by yourself while in a state of trance;"

I have often thought that if I could see myself as others see me, and hear my own utterances, I should be better able to form an opinion.

Many wise and good people have had sittings with me under the auspices of the Psychical Research Society, and some of them I have asked for an explanation when I came out of the condition. But I have never heard any explanation given, which seems to me conclusive.

For my own part, I cannot see how it can be scientifically proved that we can hold communication with the so-called spirit world.

As St. Paul says, spiritual things can only be spiritually discerned, much less handled.

On the other hand, I confidently feel that there is a grand, although mysterious, reality in the phenomenon which has arrested the attention of so many profound and brilliant intellects, and to which they have given so much time and thought. However this may be, I am glad that it has been of any comfort to people in sorrow.

But I believe that truth is a higher and deeper comfort than any such anodyne.

There have been many curious incidents connected with my sittings for the Psychical Research Society. They first heard of me in the simplest fashion. My home is in Arlington Heights, in what was once West Cambridge, not far from Harvard University. I was then living in Boston. My maid of all work told a friend who was a servant in the household of Professor William James, of Harvard, that I went into "queer sleeps," in which I said "many strange things." Professor James recognized that I was what is called a psychic, and took steps to make my acquaintance.

He at once expressed a wish for me to connect myself with the Psychical Research Society, and that is the way my work began.

At first when I sat in my chair and leaned my head back and went into the trance state the action was attended with something of a struggle. I always felt as if I were undergoing an anaesthetic, but of late years I have slipped easily into the condition, leaning the head forward. On coming out of it I felt stupid and rather dazed. At first I said disconnected things. It was all a gibberish, nothing but gibberish.

Then I began to speak some broken French phrases. I had studied French two years, but I did not speak it well.

After a while my automatic utterances announced the personality of one Dr. Phinuit, said to be a physician of France who died a long time ago. This so-called "control" returned for several years, and was the one consulted by many people and first studied by the Pyschical Research Society.

All at once this went. It was gone like the snapping of the fingers. Then for a time a literary man who had died—the one called "Pelham" in the reports of the Society for Psychical Research—was impersonated. Friends of his felt assured that he talked to them by using my voice, or by automatic writing, while I was in the trance state, and to many of them these experiences seemed a sacred revelation.

A Boston lady who had many sittings with me used to get answers not from Phinuit, but from a supposed spirit friend, who is called T. in the reports of the Society for Psychical Research. In her report for the society she said:—

"T. was a Western man, and the localism of using 'like' as a conjunction clung to him, despite my frequent correction, all his life. At my sitting on December 16, 1886, he remarked:—'If you could see it like I do.' Forgetful for the instant of changed conditions, I promptly repeated 'As I do.' 'Ah,' came tht response, 'that sounds natural. That sounds like old times.' "

Professor Peirce had a sitting with me some years ago, and he said that he received no testimony or impression to strengthen the theory of a communication with the departed. He never for one instant felt himself to be speaking with any one but me. He said that if he had seen or heard anything else he would gladly have borne testimony to it; because "a real communication with the glorious dead would surely be the greatest conceivable satisfaction to one who could not be many years separated from the state in which they abide."

After Professor Shaler saw me he wrote to the Society for Psychical Research that he was "curiously and yet absolutely uninterested." He also said "close observation of the medium made the impression on me that she is honest."

It was at a residence in Boston that I wrote automatically about a certain famous man called in the report Mr. Marte. I wrote under the so-called control of Pelham, saying, after a reference to this Mr. Marte:—

"That he, with his keen brain and marvellous perception, will be interested, I know. He was a very dear friend of X. I was exceedingly fond of him. Comical weather interests both he and I—me—him—I know it all. Don't you see I correct these? Well, I am not less intelligent now. But there are many difficulties. I am far clearer on all points than I was shut up in the prisoned body (prisoned, prisoning imprisoned you ought to say). No, I don't mean to get it that way. 'See here, H., don't view me with a critic's eye, but pass my imperfections by.' Of course I know all that as well as anybody on your sphere (of course). Well, I think so. I tell you, old fellow, it don't do to pick all these little errors too much when they amount to nothing in one way. You have light enough, I know, to understand my explanations of being shut up in this body, dreaming, as it were and trying to help on science."

I do not see how anybody can look on all that as testimony from a person in another world. I cannot see but that it must have been an unconscious expression of my subliminal self writing "such stuff as dreams are made of."

When I read over the reports of the Society for Psychical Research it all seems to me that there is no evidence of sufficient scientific value to warrant acceptance of the spiritistic explanation.

Andrew Lang contributed to the proceedings of the Society for Psychical Research for February, 1900, a criticism of the spiritist theory. He said that if students reject the idea that I am an impostor or in collusion with "Mrs. Howard," "we must try to produce some other hypothesis." Mr. Lang says he is inclined to explain the remarkable things that I say intrance, as well as the confused and muddled ones, by music reading or "telepathy a trois." He says he believes "there is something here into which it may not be a waste of time to inquire."

A physician reported for the Society for Psychical Research:—"At my first sitting with Mrs. Piper, Phinuit said, 'Get the medium to cut off a lock of your hair for me to examine and then prescribe some medicine for you.' This was done and the medicine sent to me and I used it for a time. I took a small vial of it in my pocket before visiting Mrs. Piper again, as I wished Phinuit to tell me what it was. I took it from my pocket during the trance and handed it to

her, when she removed the cork and wet her finger, either from the cork or vial, and placed it to her forehead. Phinuit remarked that it was all right, corectly prepared.

"It contained among other things uva ursi and wild carrot. I now remember asking the question:—'Why was it necessary for you to have a lock of my hair to examine before prescribing for me when you had me right before you?' His answer was to the effect that the medicine might be examined by him after its preparation to see that it was all right. He then instanced a case he had prescribed for, where a wrong salt was used by the apothecary to the injury of the lady having the seance. I made no further experiment as to the seat of the sense of taste."

Of course it is understood that in speaking of "Phinuit" in this way it was merely for convenience, to indicate the seemingly distinct personality who talked while I was in trance.

At another time some onion was put into my mouth. It was reported by the Society for Psychical Research that "Dr. Phinuit seemed to taste the onion. The tongue moved about in the mouth and smacked on the lips for several seconds."

I had among other sittings when in New York one at the house of a doctor. The "control" was the one known as "George Pelham." An Italian lady was the sitter. It was in the report that Pelham gave the first names of both sitter and communicator, very uncommon names. The name of her dead sister was given. The Italian words for "It is well, patience, patience," were whispered by me at the end of the sitting.

I never called the people who came to me "my sitters" but "my clients." The upstairs room, my working room, where I used to see them in my own home, I always called the red room, because of the color of the wall paper and decoration. I also have there my little writing desk and my sewing machine.

My last impersonations were called "Imperator," "Rector" and "Pruden."

In deciding to release myself from "Imperator" I do not wish to antagonize any student of psychical phenomena, either here or in Europe, but I do not believe that the genuine spirit of science can be antagonized, nor any of those who humbly

love science as Professor Agassiz loved it, ever ready to "appeal to nature," and like him, look through nature up to nature's God.

Because the spiritistic theory does not appeal to me after my experience I do not deny to any mortal a perfect right to accept it, if it seems consistent.

I have never heard of anything being said by myself while in a trance state which might not have been latent in (1) my own mind, (2) in the mind of the person in charge of the sitting, (3) in the mind of the person who was trying to get communication with some one in another state of existence, or some companion present with such person, or (4) in the mind of some absent person alive somewhere else in the world.

Not one of us present may have been conscious of any knowledge of facts stated, yet somewhere in my mysterious subliminal consciousness, which was in abnormal activity when I was in condition, the knowledge might have rested unknown to myself in my waking life. It might in the same manner have been latent in the mind of one of those present and have been transferred by unconscious telepathy from one of their minds to my own.

The wonders of wireless telegraphy and the use of the X-ray developed of late years in the realm of physical science make me feel that it would not be becoming, for me to say what may or may not be possible transferrence of thought in the subjective mind by laws not yet formulated. My reading has not shown me that all the laws of the objective mind are understood.

I have said that if the knowledge of facts stated by me while in the condition was not latent with me or with any of those present in the room with me at the time of a sitting, it might still have been in the mind of some other person alive somewhere in the world. It might have been latent, or it might have been active knowledge, and have been transferred to the mind of one of those in the room, then to my subjective mind, then automatically uttered or written by me. I do not find it is as hard to grasp this theory as that of a disembodied spirit telling the things.

If thought could be unconsciously transferred to me from a person in the room I do not see any reason why that person could not have received a thought message from somebody

at a long distance and then telephoned it, so to speak, in thought, direct to me. If telepathy is possible between two people, why not among three, just the same as with telegraphy?

Everybody is familiar with the common coincidence of letters crossing between two people who had not written for a long time and who then wrote to each other at the same time. Distance does not seem to make any difference about such meetings, in, perhaps, the spirit; there are many instances of that sort of human wireless telegraphy; there are also instances of a third person learning by the same means of facts known to two other persons.

An interesting case of what seems like direct thought transference in the subjective mind was when I gave intelligible answers, in English, of course, while in the condition to questions asked of me by a sitter in Italian, a language I do not understand. All the communication seemed to be entirely between the subliminal thought of the sitter and myself. I sometimes think that may be the way we shall all talk to each other when in the future state.

It has sometimes happened that things I have said at a sitting were not at all consoling or important to those who were trying to satisfy their minds or hearts by these psychical experiments.

Once when an old Boston physician had a sitting with me it seems that I talked most about a pencil which was put into my hands, it having been the property of a deceased friend. When I came out of the condition he drew himself up in his chair and said, with excusable gruffness:—

"What made you talk about nothing but the top of an old pencil? Why didn't you talk about God and the angels;"

"What do you know about God and the angels?" I could not help retorting. He was good enough to smile, for of course the pencil was part of the scientific test and the other talk would not have been.

Once when another and still more famous Boston doctor came to see me, he said afterward that he "found Mrs. Piper huffy, but got on the good side of her by caressing her children."

A literary man said:—"I know Mrs. Piper is conscious, because she listened when the door bell rang." One sitter asked me if I had the face of my clock illuminated so that I

could know when the hour was up, as I did not make it a practice to remain in the condition for more than an hour at a time. It has, however, at times been much longer.

Cultivated people have often been surprised at first meetings that I did not seem peculiar or unlike other women, and some of them expressed their wonder.

When I was taken to England the wife of one of the celebrated English men of science met me with the explanation to her husband:—

"Is this Mrs. Piper? You don't mean to tell me that this is Mrs. Piper!" Then to me:—"I thought you would be sure to be very fat, and like magneta color and wear friselettes!"

These words in her rich English voice made us both smile, but we afterward became good friends.

I have been so fortunate as to make good friends and pleasant acquaintances through my work. Some of them do and some do not believe that spirits have spoken through me. I do not think that even those who do have liked to see me mentioned in print, as I have been, as "the human telephone to the next world."

Such expressions were of course never used concerning me in the reports of the Psychical Research Society or in such articles as those of Mr. Lang, or of Professor Hyslop in the Literary Digest, the Arena, &c.; in Mrs. Katherine Tillman Bull's article in Harper's Magazine last year, or in any similar articles published at home or abroad. I am grateful for all thoughtful, profound or kindly intentioned articles. I am aware that I run the risk of the disapprobation of some people by voluntarily ceasing to be a "case" for study. But most students and lovers of science and humanity will, I hope, understand.

Phillips Brooks said in a public address:—"There is a belief in God which does not bring Him, nay, rather say, does not let Him come into close contact with our daily life. The very reverence with which we honor God may make us shut Him out from the hard tasks and puzzling problems with which we have to do. Many of us who call ourselves theists are like the savages who in the desire to honor the wonderful sun dial which has been given them built a roof over it. Break down the roof; let God in on your life!"

He also said:—"How every truth attains to its enlargement and reality in this great truth, that the soul of man carries the highest possibilities within itself."

LEONORA E. PIPER.

THE SUBJECT RESUMED.

The New York Herald, in addition to the statement of Mrs. Piper published the views of some other eminent gentlemen.

Among others the Herald published views from both Prof. Hyslop, Dr. Richard Hodgson and Dr. Thomson Jay Hudson, but as these gentlemen have contributed to the discussion the Herald's version of their views is not quoted here.

Prof. Wm. James, of Harvard, is quoted by the Herald in the same issue, as follows:—

Prof. Wm. James, Professor of Psychology at Harvard, said:—

"Taking everything that I know of Mrs. Piper into account, the result is to make me feel absolutely certain that she knows things in her trances that she cannot possibly have had knowledge of in a waking state, and that the definite philosophy of her trances is yet to be found.

The Herald still further quotes Prof. James as follows:—

"As regards the spiritualistic hypothesis, I am still 'on the fence.' I said something about the alternatives to it in a notice of Hodgson's report on Mrs. P., which I wrote for the Psychological Review in 1898. WILLIAM JAMES.

"Silver Lake, N. H., Sept. 18, 1901."

"Mrs. Piper's trance memory then is no ordinary human memory, and we have to explain its singular perfection either as the natural endowment of her solitary subliminal self or as a collection of distinct memory systems, each with a communicating "spirit as its vehicle. The choice obviously cannot be made offhand. If I may be allowed a personal expression of opinion at the end of this notice, I would say that the Piper phenomena are the most absolutely baffling thing I know.

"Of the various applicable hypotheses, each seems more unnatural than the rest. Any definitely known form of fraud seems out of the question; yet undoubtedly, could it may be made probable, fraud would be by far the most satisfying explanation, since it would leave no further problems outstanding.

"The spirit hypothesis exhibits a vacancy, triviality and incoherence of mind painful to think of as the state of the departed; and coupled therewithal a pretension to impress one, a disposition to 'fish' and face round and disguise the essential hollowness which are, if anything, more painful still. Mr. Hodgson has to resort to the theory that, although the communications probably are spirits,

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NOTE BY THE EDITOR:

For fear that questions might be raised as to the correctness of the New York Herald's report respecting the views of Professor James, I wrote him as to the accuracy of the Herald's report. Professor James replied that the Herald's report was substantially correct.

they are in a semi-comatose or sleeping state while communicating, and only half aware of what is going on, while the habits of Mrs. Piper's neural organism largely supply the definite form of words, &c., in which the phenomenon is clothed.

"Then, there is the theory that the subliminal extension of Mrs. Piper's own mind masquerades in this way, and plays these fantastic tricks before high heaven, using its preternatural powers of cognition and memory for the basest of deceits. Many details make for this view, which also falls well into line with what we know of automatic writing and similar subliminal performances in the public at large.

"But what a ghastly and grotesque sort of appendage to one's personality is this, from any point of view! The humbugging and masquerading extra-marginal self is as great a paradox for psychology as the comatose spirits are for pneumatology.

"Finally we may fall back on the notion of a sort of floating mind-stuff in the world, intra-human, yet possessed of fragmentary gleams of superhuman cognition, unable to gather itself together except by taking advantage of the trance states of some existing human organism and there enjoying a parasitic existence, which it proongs by making itself acceptable and plausible under the improvised name of a spirit control.

"On any of these theories our 'classic human life,' as we may call it, seems to connect itself with an environment so 'romantic' as to baffle all one's habitual sense of teleology and moral meaning, and yet there seems no refuge for one really familiar with the Piper phenomena—or doubtless with others that are similar—from admitting one or other, perhaps even all of these fantastic prolongations of mental life into the unknown.

"The world is evidently more complex than we are accustomed to think it, the absolute 'world ground' in particular being further off than it is the wont of either the usual empiricisms or the usual idealisms to think it."

The Herald also publishes the following statement by William S. Walsh, Esq.:—

"The woman in this case is an excellent and irreproachable character. She is Mrs. Piper, a resident of Arlington Heights, near Boston. Her husband is a tailor in very moderate circumstances. She has two children. Her age is about thirty-eight. She is an intelligent woman, but not what you would call an intellectual one. She is neither handsome nor homely, neither tall nor short, neither blonde nor brunette. She is just an average woman—a good wife and a good mother, as thank Heaven! the average woman of the United States has ever been.

"In 1882 or thereabouts she underwent a dangerous surgical operation. The physician who brought her through successfully was a spiritualist by belief. He detected in her spiritualistic possibilities. With her consent he made a medium of her, just the average, ordinary medium, who gives spiritualistic seances for a consideration.

"But, unlike many of her fellow workers, Mrs. Piper was absolutely honest. She had no explanation to offer of the strange powers with which she found herself endowed. She had no consciousness of what happened during the hypnotic trance. When she returned to her normal state she had no remembrance of what she had said or done, or what other forces had said or done through her agency.

"It was this transparent simplicity and ingenuousness of character, this lack of the hocus and mumbo jumbo of ordinary mediumship, that made Mrs. Piper conspicuous above the common herd of clairvoyants and similar charlatans.

"For fourteen years or more she has been under the close observation, first of Professor James, afterward of Dr. Hodgson and other competent persons.

"She and her husband have been shadowed by detectives. Her personal luggage has been searched, her correspondence read, her goings out and comings in closely watched. Yet, in all these years not the smallest circumstance has come to light reflecting in any way upon her honesty.

"Certainly no other medium has ever been subjected to so stringent an ordeal. And, in view of the fact that, under far more meagre supervision, Dr. Hodgson himself and other less competent inquirers have succeeded in bringing home the charge of dishonesty to many professional mediums, it is a fact entitled to much weight that this medium should have passed through the most searching and prolonged inquiries without even a rumor of exposure or the discovery of any suspicious circumstances.

"And so it was that she attracted an uncommon class of patrons. Educated and intelligent people flocked to her. Among the rest came Professor William James, of Harvard University.

"He hardly needs an introduction to our readers. Son of Henry James, the mystic; brother of Henry James, the novelist, and he himself the greatest of living American psychologists.

"It has been said of him and of his better known but no less eminent brother that the one writes psychology like a novelist and the other writes novels like a psychologist. In other words both are possessed of imagination as well as insight, but the imagination of the psychologist, though most restrained by scientific methods, is most in evidence.

"As one of the vice presidents of the Society for Psychical Research Professor James was naturally attracted to a case of mediumship which seemed to invite the serious attention of the society and its officers.

"In 1885-86 he visited Mrs. Piper about a dozen times and sent a large number of persons to her, making appointments himself for most of these people, whose names were in no instance announced to the medium. His investigations convinced him that Mrs. Piper was a person of supernormal powers.

"As to the exact meaning and value of those powers, his attitude has been and is very frankly that of suspended judgment. Of one thing only is he certain—the suspicion of fraud is untenable. He almost wishes this was not so, for if this suspicion could be made plausible, 'fraud would be by far the most satisfying explanation, since it would leave no further problem outstanding.'

"But the fraud hypothesis being eliminated, bewildering problems remain waiting for an answer. He therefore called the attention of the society to this extraordinary case, with the hope that some light might be thrown upon the attendandt probems.

"These are the words with which he introduced Mrs. Piper:—'In order to disprove the assertion that all crows are black, one white crow is sufficient. My white crow is Mrs. Piper.'"

The Herald also quotes Dr. F. Wallace Patch of the Massachusetts General Hospital:—

"It is a pleasure for me to say that the Herald, replying to a question in regard to my acquaintance with Mrs. Piper, long known as the gifted instrument of the Society for Psychical Research, that she is a woman of rare sweetness of nature, fair minded, just and truthful. She has good mental qualities and is perfectly capable of exercising discretion in matters with which she may be connected.

"Her position of open mindedness on psychical matters is most refreshing to meet in one who has been through her peculiar experiences. This renders her work all the more valuable from a scientific standpoint, whether we see fit to accept or discard the once prevalent doctrine of Spiritualism.

"It would seem to one who has followed the discussions on this subject for many years that the spiritualistic theory utterly fails to account for the phenomena of so-called 'mediumship.' We can never hope to form a union between the individualities of Heaven and those of earth by any such finite means as those in question.

"It is probable that the phenomena of the trance state will yet be adequately explained—if, indeed they are not already so—along the well known lines of hypnosis, mental suggestion and telepathy. The seeming mystery will quietly melt away as the further light of modern research penetrates more deeply the mass of evidence now gathering."

NATURAL OR SUPERNATURAL?

"SPIRITS" OR TELEPATHY?

BY F. E. DANIEL, M. D., AUSTIN, TEXAS,
Vice-Chairman, Section Psychology, Medico-Legal Society, &c.

It has ever been the tendency of the human mind to attribute to super-natural causes, phenomena which cannot be explained or accounted for by natural laws. It has not been a great many years since all electrical phenomena were so regarded, and at one period in the world's history even thunder and lightning were said to be an expression of the "wrath of Jove." To this day, the ignorant assign to some extra natural agency certain phenomena which the more enlightened understand perfectly well. And this is quite natural. But in this age of enlightenment, and progress in every line of human thought and achievement—unless I except theology —it is to me most surprising that educated men,—men of strong mentality, vigorous intellect and reasoning powers cultivated and stimulated by study, reflection and daily exercise and practice,should still hold on to the worn out and exploded doctrine of "spiritism" or "vitalism." These dogmas of the church dominated the intellectual world for ages, and kept the human mind in the bonds of superstition. They held that man's life, or "spirit" was, "from himself a thing apart;" a something—nothing,—external to man, which entered his body at birth, dominated it, controlled it, shaped his acts, and at death left the body and maintained a separate existence for all time and eternity. To hear able, and otherwise sensible men speak seriously of "disembodied spirits," and of "communications from the dead to the living" strikes me as being absurd. For my part, I utterly repudiate all such agency as "spirits." It is superstition pure and simple. The "dead" cannot "communicate with the living." There is no such thing as "spirit,' any more than there are

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"angels," with material wings; both are purely mythical. It is transcendental. Man cannot know anything except through his senses. Hence, all knowledge is empirical. He can conceive of nothing that he cannot symbolize in his mind, hence the attempt to symbolize God results in the anthropomorphic idea of God. True, man can have a reasonable faith in the existence of things which he cannot know,—which cannot be rendered tangible to any of his senses. He can arrive at conclusions,often correct,by reasoning from the known to the unknown. By inductive reasoning he "knows" that atoms exist,that ether exists. No man ever saw an atom; but there is reason for the belief or faith that atoms do exist.

In this way, reasoning from observed effects on the neighboring planets, and without ever looking into the sky, Leverrier reached the conclusion that there was a large body outside of and beyond the orbit of Uranus. He sent his calculations to the observer at Berlin, and told him to turn his telescope to a certain point in the heavens at a certain hour, and he would find a large planet, which, he was sure, must be there. Behold, the discovery of Neptune.

Matter (mass) may be divided and subdivided until the vanishing point is reached. There is no reason for the belief in "spirits," and no proof or evidence can be adduced in support of the belief. It is contrary to reason and common sense. It is a falling back upon the supernatural to account for the phenomena which, in the present state of the human mind and knowledge are inexplicable, but which, in time, will be understood and accounted for by natural laws. The belief in "spiritual beings," "disembodied spirits,"—"immaterial substance," it is called, (a contradiction of terms) is not hard to account for on the principle of heredity and (misdirected) education. The idea of a "spiritual being" without form or shape—(concepts of the human mind)—and having no corporeal existence, but yet is credited with the physiological functions of a material organism—finds the culmination of absurdity in that dogma which ascribes to a "spirit" or "ghost" (called "holy") the powers of reproduction of the human species—purely a human physiological act. Men laugh at the amours of the mythical Jupiter of the Greeks, whose chief pastime seems to have been the begetting of children by men's wives, yet they accept in all seriousness the statement that the Jupiter of the Jews, "Jove," "Je-

hovah," "Yehveh," the myth upon which the Christian religion is founded, "overshadowed" a 'virgin' and begot a son, who, like the progeny of Jupiter, at death, "ascended into heaven" and became a god. This is superstition in its rankest form, a "miracle," and yet learned men believe it. Parthenogenesis, ("the creation of a new individual of a species from a female cell without the intervention of the male element"), is an established fact in biology, but has never been known to occur in man or any of the higher animals, but it does occur in certain plants, and in certain of the lower forms of animal life. (Alternate generation. Heterogamy.)

The late Professor Norman, of the University of Texas, at one time thought that he had produced young sea urchins by chemical means, from the unfertilized ova of the female; and Professor Loeb of the University of Chicago, is now engaged and with hope of success, in endeavoring to produce, synthetically, the "male element," whereby he expects to fertilize the ova of the sea urchin, and thus produce a living animal.

Surely those learned gentlemen who hold to the faith ("faith, the sleep of reason") in a spiritual existence, and talk and write learnedly of "disembodied spirits," attributing to them the physiological functions of the living organism, have not made themselves acquainted with the wonderful advances and discoveries in physiology, chemistry, embryology, anatomy, and in general physics, that have been made and become public property in the last half of the nineteenth century. I will speak of this later.

I take the mechanical view of life, that held by most physicists and biologists, and taught by the great expounders of the monistic philosophy, and of what has come to be known as the Science of Energy or Energetics.

I assume that those who read this are sufficiently familiar with the Law of Conservation of Energy and the Correlation of Forces, promulgated (1845) by Robert Mayer, a young physician of Wurtenburg, and elaborated and forever firmly fixed in the mind of all scientists by Helmholtz in his celebrated essay on the subject; and with the Law of the Indestructibility of Matter (Lavoisier, 1789), "nothing is created, nothing is lost, all is change of forms,"—and I need not do more than allude to them, further than to say that the Science of Energetics applies to all phenomena, seeks to explain all

phenomena of the universe, including those of human life. It embraces and unifies all other sciences, and has brought or will bring them under its dominion. "According to most physicists the phenomena of the universe call into play, two, and only two, elementary and fundamental things; to wit: matter and energy. All that we see consists of changes in the one or the other of these two forms. This, one might say, is the postulate of experimental science." (A Dastre. *Revue des Deux Mondes*, 1898.)

I need not say that all energy is derived from the sun; nor more than allude to the reciprocal functions of animal life and plant life. Plants store the sun's energy, and we find it, after millions of years, still stored in the coal we dig from the bowels of the earth, where it has remained all these centuries in the latent or potential state. Plants split up the carbon dioxide of the air, freeing the oxygen,—man's vital necessity and that of all breathing animals, and store the carbon in wood, starch and sugar. It is the action of oxygen on the carbon, whether in coal or wood, or in our own aliment, (essentially carbon and nitrogen compounds) which liberates this energy, converting it from the latent, or potential state into active (kinetic) energy. This, in the animal economy is subdivided or specialized, and expressed in the various well known forms of 'radiant' energy, 'thermal' energy, 'kinetic' or moving energy, 'chemical' energy, and 'electric' energy, (including magnetic). These forms are all correlated, and are intro-convertible, transformable, the one into the other, except heat energy. That is not transformable directly, into any other form of energy. Take the locomotive for an illustration. The combustion of the coal put into the furnace (a chemical process, oxidation) liberates the potential energy stored in the coal by the sun. It is expressed in those "modes of motion" (molecular) known as heat and light. The heat changes the molecular arrangement of the water in the boiler, converting it into an expansive vapor, which, being confined seeks to escape, and thus drives the piston which moves the engine and train, (mechanical energy, kinetic energy.) The steam also propels the dynamo, whereby a part of this liberated energy is "specialized," and transformed into elecric energy, which is expressed in the head light that blazes on the locomotive's front, and in the incandescent light, whereby the coaches are lighted.

Man's energy, (his life force) and that of all animals is derived from the food put into his stomach, and from the reserves of nutrition already stored in his tissues. All food that has nutritive value, is essentially carbon and nitrogen in endless combination. The liberation and conversion of this latent (potential) energy is effected by chemical means, oxidation, combustion, and it is expressed in all the phenomena associated with the life of the animal; heat, muscular motion, (kinetic energy, mechanical or "work" energy;) secretion, digestion, assimilation, metabolism (destructive and constructive*) and consciousness, the fundamental state upon which rests the mind, with its multifarious phases or functions of thought, volition, memory, ideation, all the higher intellectual faculties. How consciousness arises no one knows, yet, any more than he knows how 'life' began—what gave to "matter" (protoplasm, the primitive cell), sensation, motion and I am sometimes disposed to think intelligence, consciousness. But consciousness is doubtless a product of the food taken into the stomach. It is a part of the life energy liberated by the chemical reaction between carbon compounds of the aliment, (and the tissue reserves) and the oxygen taken in through the lungs, and is specialized or told off for special work, by the wonderful electro-chemico dynamic apparatus we call the 'nervous system,' properly, the net work of special cells, (neurons) that ramify in and connect every part of the body. It is electrical. The mind in all its phases, is the function or product of the brain. It is a force, a specialized force, and is electrical. We see, hear, feel, think and act by electricity. The touch, the thrilling kiss, is but an electrical discharge. This force, the mind, can be directed by the will. It is a power capable of overcoming gravitation and lifting ponderable matter, to some extent. We have the authority of Elliot Coues for saying that he has seen three legs of a heavy dining table leave the floor, when he and his wife were alone in the room, and without the application of any other force than that of the mind. He calls it "levitation." It can be directed towards a person, say across a hall, or church, or theatre, and that person be made to feel it. It will wake a sleeping person to look at him—the force being expressed

* "The power that organized bodies possess of continually using up and renewing the matter composing the body," Cuvier's "vital vortex," the endless circulation of matter and energy from the outside world through the human system by ingestion, secretion and excretion.

through the eyes. We all know how an eloquent speaker can sway men's thoughts, and move them to overt acts,—even to commit violence.

The mind, then, (and when I say mind, I mean all that is understood by the term), including what is called the 'soul,' whatever that may be thought to be, is electrical energy, generated by chemical action, and is purely mechanical; it is a mode of motion, generated by a living organ, the brain, and as surely ceases when the combustion which has produced it ceases, when the brain dies, as does the flame of a lamp when the oil or wick gives out. I can as nearly understand and believe that the light of the incandescent lamp by which I pen this, exists and persists, for all time, as this special and individual, separate light, as that a life force, generated in precisely the same way (combustion, oxidation of carbon) and specialized into the electrical form of energy, can continue after the death of the organ, and consequent cessation of the processes whereby it was produced. It is now known that all animal life is of a kind, differing only in degree of development; and if man has a "spirit," (*spirare*, to breathe) or a "soul" (*psucho*, breath, to breathe), every breathing animal, at least, has a spirit or soul. In fact the line cannot be drawn anywhere from the amoba or the moneron, to man.

I conceive of life then, in all its phenomena, including the psychic, as chemical in its origin, chemical in the union of the male and female cell in utero—an expression of chemical affinity in exact fulfillment of an immutable law, and that the building up of the resulting embryo—and fetus—and child—and finally the man, is a purely mechanical process; the result of combustion, the conversion of potential into active energy which is expressed in all the various modes of molecular motion, kinetic energy, radiant energy, thermic energy, electrical (including magnetic) energy; and is exactly comparable to the process we see in the furnace and the lamp. I will not here enter into an explanation of what is called the "initial impulse" which starts the combustion, the respiratory process whereby the oxygen is admitted and the dioxid of carbon is exhaled; but being started, like a fire, it continues to burn, as long as fuel (food) is supplied. If any one doubt that consciousness and all mental states are evolved from the aliment, within and by, the human machine, let him withhold all food and see how long consciousness will remain. It

would be as reasonable, it seems to me, to speak of the immortality of digestion, as of the immortality of the spirit, for the 'spirit' is the breath, the function of respiration, the intake of oxygen, the output of carbon dioxid.

The question of soul—spirit—life,—of consciousness, is not transcendental. It is purely a physiological problem,—partly already solved in the biological laboratory. When solved it will be found to fall within the domain of physics and chemistry, and come under the laws which govern molecular mechanics. There are no 'two minds.' I am not acquainted with any authority that admits the postulate upon which Mr. Hudson bases his elaborate "Laws of Psychic Phenomena," unless I except Maudsley, and I think he was laboring under a delusion, just as, in my opinion, Mr. Hudson is.

There are many phases of one mind, consciousness being fundamental. Consciousness is a part of the higher activities of the mind, (soul?) and as such, is dependent on the normal structure of its psychic organ, the brain.

The most important discovery in the anatomy and physiology of the brain in recent years is that of the organs of thought. (Flechsig). "They are the real organs of mental life; the highest instruments of psychic activity that produce thought and consciousness. At death their psychic activity is extinguished like every other physiological function." (Haeckel.) This, and other discoveries and advances along the lines of biological (zoological) research, and in general physics have, in the scientific mind, destroyed the myth of "spiritism;" but blind faith, faith in most preposterous things, faith in "miracles"—by heredity and ceaseless iteration and reiteration by tongue and pen, is so firmly fixed in the mind of the great majority, the enlightened (on all else) as well as the unenlightened, that reason will never uproot it.

Mrs. Piper's exhibitions of a wonderful faculty as little understood by herself as by anyone else, defy, in the present state of knowledge, a satisfactory explanation. Clairvoyance and clairaudience, Dr. R. M. Bucke, of London, (Evolution of the Human Mind, *New York Med. Record*) calls "the dawning of a sixth sense." I, of course, offer not a suggestion of an explanation. I incline to the belief, however, that "telepathy" gives a cue which, like the mythical thread given Theseus by the beautiful Ariadne, would, when he shall have slain the Minotaur, lead him out of the Cretan labyrinth, may

guide us to light. I am satisfied in my own mind that, however inexplicable all the manifestations of this mysterious faculty, all the so-called psychic phenomena witnessed at her seances are,—they were the emanations from a living brain, present or absent.

Regarding mind as an electrical form of energy, a force which expresses itself in such puzzling phenomena, a mode of molecular motion, waves—vibrations—bearing a strong resemblance to the electrical energy generated artificially, and which the immortal Marconi has demonstrated can be projected through space and awaken response on the part of a suitable receiver 2,000 miles away, I see no reason why, at no remote day, the laws that govern what we all are bound to recognize as thought transference, clairvoyance, etc., should not be revealed to man by investigation along this line. The gateway has been opened by Helmholtz and Hertz; the possibility of transmission of electrical energy thro' space has been demonstrated by the great Marconi, "psychic phenomena" may, in time, be explained upon the principle and in accordance with the laws that govern all electrical phenomena.

I append two quotations quite apropos of the subject, and with which my views are entirely in accord.

"The principle of energy, and the correlative idea of the unity of natural forces on the basis of a common origin are now accepted by all competent physicists, and are regarded as the greatest advance of physics in the Nineteenth Century."—Haeckle, Riddle of The Universe.

"The phenomena of life can and should be explained solely by the working of the physical forces which control the material universe. Among those forces electricity plays a predominating part." (Ernest Solvay, Address at Brussels, December, 1893.)

[In an article like this, which must conform to the requirements of the occasion (a symposium, etc., "views as to psychic phenomena, tersely expressed") I cannot go into a discussion of the question raised by other contributors as to the nature and limitations of telepathy; whether it is limited to two persons, or may be transmitted through several living brains. Nor can I even allude to the details of electrical en-

ergy as generated in the living animal organism—and its mode of transmission; nor touch Faraday's (now accepted) theory of electrified or vitalized atoms.]

NOTE BY THE EDITOR:

The Brain is the organ of the mind—the instrument the mind employs in its work. It is impossible to say that the mind is the product of the brain. Thought is the production of the mind and in a sense "thought" may be called the product of the mind, as the result of the use of the instrument on which the thought is created. The same as the tune or arrangement of some product by the artist on the violin. That tune is only a memory, but like thought it is an entity. The mind is undoubtedly a force, a specialized force, an electrical force, but is not a function or a product of the brain. We have no evidence that the mind is generated by chemical action, or that the soul of man is within the law of physics, chemistry or molecular mechanics. It would require an imagination of great activity to accept any such hypothesis. It would not be in accord with our ideas or knowledge of natural laws. We shall be willing to recognize any truth that science demonstrates or brings to our consciousness. It has not yet come to us. Dr. Daniel, who has no faith in matters spiritual, shows a magnificent faith in the final illumination which may come some day to his consciousness, and which he sees already with the eyes of his marvelous faith. The blind devotee of any form of religious faith has never reached the heights and attenuations of such a mind, that can accept his hopes, his aspirations and his dreams, even, instead of demonstration. "Faith is said to be the evidence of things hoped for, but not seen," and this superb and splendid illumination of the scientist, contrasted with the similar phantasies (as he regards them) of religious believers, exhibits marvellous examples of the mysterious workings of a human soul. No! "There are more things in Heaven and earth than are dreamed of in thy Philosophy, Horatio."

CONCLUSION AND SUMMING UP OF THE DISCUSSION.

BY THOMSON JAY HUDSON, PH. D., LL. D.

Has spiritism no better method of refuting the arguments in favor of the telepathic theory than to exaggerate, distort and misrepresent it in order to find an excuse for answering it with a point-blank denial or a sneer? It seems not.

Dr. Hodgson, the official spiritistic propagandist of the S. P. R., set the pace some years ago, and the rest have obediently followed in his foot steps ever since. Thus, in his report on the Piper phenomena (See p. 394, Part XXXIII., Proc. S. P. R.), he tells us just what must be presupposed if we are to accept the telepathic explanation of said phenomena. To do the learned Doctor justice, he begins by candidly admiting that "if the information given at the sittings, both in matter and form, was limited to the knowledge possessed by the sitters, we should have no hesitation in supposing that it was derived from their minds, telepathically or otherwise." But, as some of the information given out was held not to be thus limited, he proceeds to say:

"We must then make the arbitrary suppositions that Mrs. Piper's percipient personality gets into relation with the minds of distant living persons, (1) who are intimate friends of the sitters at the time of the sitting, and (2) who are scarcely known, or not at all known, to the sitter. And many of these distant living persons had, so far as they knew, never been near Mrs. Piper. These cases then compel us to assume a selective capacity in Mrs Piper's percipient personality, and not only selective as to the occurrences themselves, but discriminative as to the related persons."

If all this were true, it must be confessed that the telepathic hypothesis would be hedged about with serious logical difficulties. Fortunately it is not true, as I shall show later on.

But this is nothing compared with the logical consequences involved in the telepathic hypothesis, which are, in part, set forth by Dr. Hodgson in words following, to wit:

"And I may add here that these arbitrary suppositions may be increased yet further to cover other forms of evidence that may be obtained hereafter, such as the giving of information supposed to be possessed by the dead alone, or the manifestation of knowledge not yet acquired by the human race, so far as we are aware, such as the existence of heavenly bodies previously unknown, or the customs of the inhabitants of other planets, verified, let us assume, in future years."

It will thus be seen that the learned Doctor has found no difficulty in frightening himself away from the telepathic hypothesis by the simple process of constructing a few "arbitrary suppositions." And it must be admitted that the "supposition" that the inhabitants of this earth can communicate telepathically with the inhabitants of "unknown" planets, is well calculated to frighten almost anybody who is not a spiritist, especially if he is told that he must believe it as a logical penalty for believing in the telepathic explication of Mrs. Piper's phenomena.

But, robust and strenuous as are Dr. Hodgson's suppositions, they are feeble in comparison with those of his pupil, Dr. Hyslop. As I have shown in my opening article, that gentleman holds that the telepathic explanation of the Piper phenomena is absolutely untenable except under the presupposition that that lady is "omniscient," or at the least is endowed with the ability to draw at will upon "the whole universe of intelligence." Thus believing, he is enabled to quiet his logical conscience when he ignores the real issue in the case.

Hon. Luther R. Marsh is another who finds a way to avoid the necessity for argument by the same general process. He tells us that the telepathic hypothesis requires the assumption that the sitter must be omniscient, or words to that effect. That is to say, his mind must be filled with "an endless arcana of knowledge,"—"chuck-full" of "all things that have ever transpired in the world, and in the spirit sphere."

This is a decided modification of the assumptions of Doctors Hodgson and Hyslop, who hold that the telepathic hypothesis requires us to assume that the medium is "omniscient." To do Mr. Marsh entire justice

it must be said that his assumption is just as sensible, and just as near the truth, as that of Doctors Hodgson and Hyslop. They are both designed, apparently, to exaggerate the claims of their opponents for the purpose of denying them.

Judge Dailey presents another modification of the same polemical weapon. It is not so extravagant as those we have named; but the design is identical. I refer to what he says of my proposition relating to telepathy by three. He quotes the proposition and then proceeds to say that it means something that is obviously foreign to its plain import. (See Judge Dailey's article.)

And now comes the Rev. Dr. Savage, with still another modification of the same assumption, in which "unlimited powers" and "universal knowledge" is supposed to be necessary to enable the medium to do her work by the aid of telepathy. (See his article under the sub-head of "Telepathic Theory.")

Now, let us examine this question in the light of what is known of telepathic powers, and see if these extravagant assumptions are really a necessary part of the telepathic theory when it is invoked to account for spiritistic phenomena.

First, however, let us try to find a common ground of agreement, to the end that the issue may be more clearly defined. I think I may take it for granted that all intelligent spiritists, who know anything about telepathy, will admit that when a medium, acting under test conditions, states a fact that the sitter already knows, telepathy cannot be eliminated from the list of possible causes. Indeed, no scientific psychical researcher would for a moment consider the possibility of any other explanation. Why? Simply because he knows telepathy to be a *vera causa*, and he does not know anything about spirits. At least he is not certain about them; and most likely he is an adherent of the scientific axiom which Dr. Savage has given us, namely—"we must not explain the unknown by something else that is still more unknown." I have quoted Dr. Hodgson as an adherent to this principle, and F. W. H. Myers, in his "Science and a Future Life," (see p. 32), tells us that, forgotten or unforgotten, active or latent, "whatever has gone into the mind may come out of the mind." We may, therefore, safely assume that all are agreed that whatever the sitter knows must be presumed to

be available to the medium. Nor will it be disputed that the sitter may obtain access to knowledge telepathically.

Now, if the exhaustive investigations of the S. P. R. count for anything at all, it must be admitted that they have demonstrated two things in regard to telepathy, namely, (1) that telepathy is a power belonging exclusively to the subjective mind, or subliminal consciousness; and that, consequently, information may be received from,or imparted to, another subjective mind, without the knowledge or consent of the objective mind of either. The evidence for this in the Society's reports is overwhelming. (2) It is also in evidence that relatives, friends and acquaintances are always *en rapport*, and that they are always either actually or potentially in communication. Of 830 cases reported in "Phantasms of the Living," only 36 were between strangers. But that number is sufficient to show that rapport, for telepathic purposes, is not exclusively confined to relatives or intimates.

We have, then, a basis of admitted facts and principles to start upon, namely, (1) that telepathy must be presumed whenever the sitter has prior knowledge of the fact communicated by the medium; (2) that subliminal knowledge may be acquired telepathically, unconsciously to the percipient. The only point likely to be in dispute, therefore, is as to whatever telepathically acquired knowledge can be conveyed telepathically to the psychic or medium. If it can, we have an easy telepathic solution of all the phenomena of which we have been speaking.

To put the case in concrete form, so that my meaning may not be misunderstood or distorted, let us apply the principle to one of Dr. Savage's test cases, namely the communication supposed to be from his deceased son. All that is necessary is to suppose, (1) that Dr. Savage and his son were in telepathic rapport during the life time of the latter; and that, (2) for some reason, he desired to have his private papers taken care of by his father, his best friend,—his heart-to-heart confidant during all the years of his life. Thus far no one will dispute the assumptions. (3) Next we must suppose that the desire was conveyed from son to father by the only means available at the time, namely, by telepathy. No one who is conversant with the work of the S. P. R. can doubt this for a moment. Of the 830 cases cited in "Phantasms of the

Living," a large proportion were cases showing that the dying agents were endeavoring to acquaint their relatives or friends with some unsatisfied desire, or at least with the fact that they were in extremis. Indeed, it may be said that if the investigations of the S. P. R. render anything approximately certain, it is that dying persons make an effort to inform their relatives and friends of their condition, especially if there is any special object to be gained by so doing. If, then, the friend or relative toward whom the effort is directed happens to be edowed with psychic powers, the effort is successful; and the information conveyed to the subliminal consciousness is thereby elevated to the supraliminal. On the other hand, if the friend is not a psychic the information remains latent in the subliminal, and may never rise above the threshold.

But, in such a case, if the person afterwards becomes subjective from any cause, there is likely to ensue an uprush of the contents of the subliminal,and he thus becomes conscious of the information that had been telepathically conveyed to him originally. This phenomenon has been designated by Myers as "deferred percipience," several instances, some of them experimental, being cited in "Phantasms of the Living." (See pp. 56, 70-1, 201-2, 265, 325 and 519.)

These cases demonstrate that information telepathically conveyed, unconsciously to the percipient, reaches his subliminal consciousness nevertheless, and remains latent until an opportunity presents itself for elevating it above the threshold of normal consciousness. This may happen spontaneously, as when the percipient happens to attain the proper psychic conditions; or it may be brought about by the percipient coming in contact with a psychic who is endowed with telepathic powers, as in Dr. Savage's case.

This latter supposition, singularly enough, marks the parting of the ways. Why? I do not know why it should be denied that information telepathically received from one party can be telepathically conveyed to a third person, unless it is because the admission of the truth of the proposition would be equivalent to an abandonment of the spiritistic hypothesis, and an admission of the entire validity of the telepathic explanation.

Dr. Savage's case presents the issue in its simplest form. He will not deny that he was in telepathic rapport with his

son. Nor will he deny that it was possible that the latter conveyed, telepathically, the information relating to his private papers to his father. But he will doubtless deny that it was possible for Mrs. Piper to obtain, telepathically, the content of that message from the mind in which it was lodged.

That would be "*telepathie a trois*," or telepathy by three; and the average spiritist becomes hysterical whenever that subject is broached. Why? Is it because he sees that, if it is once admitted that information telepathically received can be telepathically transmitted to a third person, the claims of spiritism must be abandoned in favor of the telepathic hypothesis? I can imagine no other adequate cause for either the emotional and insensate denial of the proposition or for the studied attempt to ignore it. Much less can I see any other cause for the assertion that the telepathic hypothesis requires the presupposition of "omniscient" intelligence on the part of the medium. Be that as it may, the fact remains that, if "telepathy by three" is a telepathic potential, it does afford a full and complete explanation of every case yet reported where the psychic was shown to possess supernormally acquired knowledge not objectively in the possession of any one present. It affords, for instance, an easy explanati of each of the twelve cases reported by Dr. Savage, as well as of all the cases cited by Prof. Hyslop, It covers, in fact, every conceivable case of the kind.

It becomes important,therefore, to know whether telepathy by three is a telepathic potential. Fortunately for our present purposes, Dr. Clark Bell has quoted Mr. Lang on that subject, and he reports several cases of the kind. (See Dr. Bell's article.) It is, in fact, a very common phenomenon,although little attention has been paid to it, for the reason that its scientific value as bearing upon the subect of spiritism has not been fully appreciated by scientists until quite recently. In the cases cited by Mr. Lang spirits were out of the question, for nobody was dead; and numerous instances might be cited in experimental telepathy by means of hypnotism or mesmerism, where all concerned were alive and well.

It is true that in some cases the source of the telepathic message may be difficult to trace, as in the one reported by Judge Dailey. But no particulars possessing the slightest evidential importance in his case have been verified. A *soi*

disant spirit comes to him and tells him that his name is John Taylor ;that he was born in New Bedford; that he ran away when a boy and went to sea; that he had a very checkered career, which he described with great particularity; that everybody that he ever knew in New Bedford was dead; for he had not visited his native place for over 60 years. All this Judge Bailey thinks he has "verified," "to a certain extent," by going to New Bedford and finding that "Taylor was a very common family name" in that city, (as it is in most other cities) that there were names on tomb-stones that Taylor had mentioned; that there were streets there that he had named, etc., etc. But not one item was verified that tended to establish the personal identity of John Taylor, or to show that any one of his numerous stories were true.

Now, Judge Dailey tells us that he is "a lawyer, and claims to know something of legal principles." But he does not say that he is an expert in weighing the value of evidence. If he is, what would he say of the weight of a witness' testimony should he claim to have witnessed a murder, and, in the absence of the *corpus delicti*, seek to verify his statement by showing a street in the city where the tragedy was alleged to have occurred, and by naming somebody whose patronymic could be found on a tomb-stone in the city cemetery? I may appear to be straining a point in Judge Dailey's favor when I say that I still have enough confidence in his legal ability to believe that he would summarily dismiss the jury and throw the case out of court, if that was the only evidence in the case. And yet it exactly parallels the evidence by which he seeks to establish the personal identity of John Taylor,and verify the history of his life as given through the medium in the case. Well may the learned Judge ask me who telepathed the personal history of John Taylor to the medium. I confess that I do not know. But I do know that all the facts bearing upon the case which the Judge learned on his scientific pilgrimage to New Bedford, could easily have been learned from a local history of that city.

As I remarked, it is sometimes difficult to trace the telepathic connections so as to say just where the information conveyed to the medium originated. But they are generally just such cases as that upon which Judge Dailey pins his faith; that is to say, cases that cannot be either verified or

disproved. I confess that I am not sufficiently well versed in Judge Dailey's legal standard of evidential values to see clearly just how it is that an absence of facts tends to prove or to disprove, anything in an inductive investigation. Nor can I quite appreciate the logic of that attitude of mind which impels a hysterical shout of triumph from every spiritistic throat whenever a medium tells a long and weird tale that can neither be disproved nor verified. To the mind of the average spiritist such cases are the most convincing, for they can then triumphantly ask "How can telepathy account for this?" To which the obvious answer is that telepathy is not called upon to account for unverified statements.

This class of cases, however, are not the ones that present the real difficulties that may sometimes occur, although they are very rare. Let us suppose an extreme case: Suppose a *soi disant* spirit presents himself at a seance and announces himself as a stranger to all present; and then proceeds to relate facts entirely unknown to those present. Then suppose that those facts should be afterwards fully verified. Obviously, in such a case, it would be difficult to trace the telepathic connection. But would anybody but a spiritist imagine that the telepathic hypothesis had been disproved by an occasional failure to find the facts in such a case? I think not. And yet these are the cases upon which spiritists rely to establish their own theories and to "disprove" the telepathic hypothesis. In other words, it is the essence of the logic of spiritism to rely chiefly upon the absence of facts when conducting an inductive investigation. Is Judge Dailey's legal education responsible for this principle of his logic? If so, he would hang a man for murder simply for the want of evidence to establish either his guilt or his innocence.

Logically, the case stands thus: (1) There are sporadic cases where it is difficult to determine from what source a telepathic communication originated.

(2) On the other hand, there are innumerable cases where the telepathic connection is obvious, as in all of Prof. Hyslop's cases, in all of Dr. Savage's cases, and in most of those cited by Judge Dailey.

(3) In all cases where the facts are known, "telepathy by three" affords a complete telepathic explanation.

I submit that those few cases in which the facts are not known should not be allowed to weigh one hair against the great mass of cases where the telepathic connection is obvious; especially since the latter can all be explained on the telepathic hypothesis,—assuming, of course, that "telepathy by three" is a telepathic potential.

I re-submit my original proposition:—If A can, by any known means of communication, convey a message to B, B can convey the same message by the same means, to C, other things, of course, being equal.

If not, why not?

I have repeatedly submitted this proposition to spiritsts, and as repeatedly asked the same question. If it is not true there must be a valid answer to the proposition; but that answer has never been attempted otherwise than by the bare assertion, without argument, that "it is carrying telepathy too far." On the other hand, if the proposition is true, spiritism, considered as a scientific proposition, is disposed of. Nor can this queston be successfully evaded by an attempt to ignore it, nor by substituting for argument such assertions as that the telepathic theory requires the presupposition of "omniscience" on the part of the psychic.

THE VISIT OF PRINCE HENRY.

The reception extended to the representative of the German Emperor on his recent visit to our shores, is understood to be peculiarly gratifying to that monarch and to the German people.

In the City of New York the most distinguished function was the banquet of the German Society of New York City, at the Hotel Waldorf-Astoria, which was in all respects the most notable, complete and splendid ever given in the Metropolis and reflected great credit on George Boldt as proprietor of that hotel and the Committees who had the details in charge.

A close second to it was that of the representative Captains of American industry, in which J. Pierpont Morgan took a conspicuous part. A more elegant, unique and recherche affair could not be well imagined, or carried out in any capital of the world than were these two functions in honor of Prince Henry.

Maurice Grau greatly distinguished himself and excelled any prior effort of his life that we can now recall, by the reception given at the Metropolitan opera house, and if any citizen of this country was to be singled out for decoration by the German Emperor for what was done by our people no one man would deserve it as much as Maurice Grau.

The banquet by the Press in New York while it was a large affair could hardly be called a representative banquet by the American Press, in honor of the Prince.

The Press of America had it arranged a representative banquet would have presented quite a different and more splendid affair.

This was unfortunately forestalled by the business manager of the greatest and most successful German newspaper in America.

Oswald Ottendorfer before his death, with the aid of his talented wife had made the Staatz Zeitung famous as a journal in New York and through it he had amassed a fortune. This corporation belonging to that estate, through the enterprise of its publisher and business manager, forestalled any movement in the interest of the Press, by obtaining generally permission to allow that newspaper, to tender the Prince a banquet, to which the leading publishers of the daily Press were invited with a sprinkling of the representative journalists of the Nation.

It was carried out on a large scale and the affair reflects great credit on the brilliant coup of the manager who absorbed to himself and the journal he represented the credit of an entertainment of great magnitude and merit.

The German Prince was graciously received by the President of the United States and by the people in the American cities he visited. It is doubtful if he ever will be called upon to receive such an overwhelming exhibition of popular good feeling as that which he met every where.

Emperor William has greatly advanced in the American mind as a wise and sagacious ruler. The visit was most timely and most fortunate in all ways. It is idle to attempt to conceal the fact that a strong anti-German feeling had been engendered in America, largely due to events at Manilla, which had created a feeling in the breast of Admiral Dewey, shared in by both our army and navy, and which had reached the better classes of our people, that Germany had been unfriendly to our flag in that war. The most important fruit of the work of the German Emperor in planning this visit, has been to allay, and in a great way dispel this feeling, and to place the friendship of the two countries on a more solid and enduring basis.

CECIL RHODES.

The career of this remarkable man has ended and his great merits and faults are now matters of history.

No one can give a satisfactory explanation which would from any ethical standpoint justify the Jameson Raid.

It was doubtless necessary from this point of view, and it no doubt was the most important single factor in the progress of those events, that led to the Boer War, and the disintegration of the South African Republics.

In finance Mr. Rhodes' conceptions and operations were collossal and immense. His gains were on as large a scale as his conceptions.

That he was a dreamer is clear from Mr. Stead's exposition of a world federation of the English speaking countries, or rather the millionaires of those countries.

He was a broad, a free and a progressive thinker, and as an Englishman he had entirely outgrown all insular methods of conventional lines.

In his contempt of conventionalities as to thought and action he was quite unique and free. Human life did not enter into his plans, and to reach his ends, he did not for one moment hesitate, because the pathway would be crimsoned with human blood.

The star that was most dazzling to Cecil Rhodes was the "Star of Empire."

If England were to catalogue her colonial possessions, what an enormous extent in South Africa must be put to the credit of the name of Cecil Rhodes, who as has been said, has added almost another India to the British flag and nation.

To the mind of Rhodes "territory" was the primal thought, and towards its acquisition he bent all his efforts.

It may be and is undoubtedly true that Rhodes' motives and reasons were not wholly based upon any love of America; her greatness, her future, or those characteristics which no matter how we admire or praise them as factors in our development, are not held in veneration in English minds.

It may be that Cecil Rhodes sought to create a force and an energy among American men who having been educated at Oxford would crystalize in a body who by their education had been Anglicised in feeling, and would form the nucleus in America of a school of thought reflecting Oxford views and ideas which would have great weight, at least by the end of the century, in aid of a movement in favor of that federation of American and English opinion which was the dream of his life.

With all his faults there was a commanding magnetism that bound all South Africans to him, because he stood as the ideal of progress and development in those vast, new and wonderfully endowed countries.

That his great heart reached to America and our work is made clear by the last act of his life, when he took steps to make the greatness of his soul an eternal monument in America.

His will is the most unique and remarkable document of modern times. It grapples with a question and devotes an enormous sum to the development of a thought, so far reaching that it will occupy generations of men to measure its full importance or effect. In this respect we think that the mind of Rhodes has been influenced and moulded by an American whom we honor and revere—by the life and character and work of Andrew Carnegie.

Without anything in common, between two natures as far apart as the poles, the American Democrat has influenced the Anglo-African statesman. Rhodes, disregarding Carnegie's advice as to realizing his plans in one's own life time, has

felt the great heart throbs of Carnegie's heart by that unknown and untranslated telepathy, that knows no distance, and in which space is unrecognizable; and has hurriedly and in the darkning shadows of his last days, prepared his scheme of co-education of the American and the Englishman, with a trace of the old Saxon on lines so broad and comprehensive, and so far reaching; that the genii of the destiny of our country in preparing an inscription for the monument posterity will raise for him on American soil, will at least find room in enduring and immortal letters for Cecil Rhodes.

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The current volume will be largely devoted to

The Prevention of Tuberculosis,

And the American Congress of Tuberculosis for 1902.

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OPINIONS OF THE CHIEF JUSTICES OF SUPREME COURT.

SUPREME COURT OF ERRORS, STATE OF CONNECTICUT.

Hon. CLARK BELL: LITCHFIELD, Nov. 5, 1894.

My Dear Sir: I have been a subscriber to the MEDICO-LEGAL JOURNAL now for about four years. I have read it with great interest, and have found it always entertaining and many times highly useful. To a State Attorney, or to any lawyer engaged in criminal practice, I should suppose it to be of great value. Yours very truly, CHARLES B. ANDREWS.

CLARK BELL, Esq., New York: ATLANTA, Ga., Nov. 23, 1894.

Dear Sir: During the time I occupied the Bench as Chief Justice of the Supreme Court of Georgia, I regarded the MEDICO-LEGAL JOURNAL as one of the current periodicals to be regularly read in order to keep up with the best thought touching medical jurisprudence. Besides this, almost every number contained matter, historical or biological, of much interest. I do not hesitate to say that every lawyer, whether on the bench or at the bar, will, on trial, find the work both useful and entertaining. It gives me pleasure to recommend it. Very respectfully, L. E. BLECKLEY.

SUPREME COURT, STATE OF KANSAS.

TOPEKA, Nov. 19, 1894.

CLARK BELL, Esq.,

My Dear Sir: I have been a subscriber to the MEDICO-LEGAL JOURNAL for several years, and find it a valuable and useful publication, especially to the members of the legal profession. The numerous articles appearing therein concerning the criminal classes, expert medical testimony and the relation of the science of medicine to the science of jurisprudence, have been written by the very ablest physicians and lawyers. Much important information to the bench and bar can be derived from this journal not obtained elsewhere. Yours, etc., ALBERT H. HORTON.

SUPREME COURT OF NORTH CAROLINA.

CLARK BELL, Esq.: RALEIGH, N. C., Dec. 1, 1894.

Dear Sir: We regard the MEDICO-LEGAL JOURNAL as a periodical of great value to the legal profession, and especially to those engaged in criminal and probate justice, and also in damage cases.

I trust that the publication will receive the encouragement that its merits so richly deserve. Respectfully, etc., JAS. E. SHEPHERD.

SUPREME COURT OF TEXAS.

AUSTIN, 1894.

I have had occasion to read and examine the MEDICO-LEGAL JOURNAL, edited by Clark Bell, Esquire, of New York, and have found it an able and interesting publication. It is useful to all who are concerned with the jurisprudence relating to insanity; and I would especially commend it to the judges of criminal courts and to prosecuting officers throughout the country.

R. R. GAINES.

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MEDICO-LEGAL JOURNAL.

Vol. XVI was completed by the March Number, 1899, and contains the following Articles and Illustrations:

Premature Burial. By H. GERALD CHAPIN, ESQ., of New York.
Leper Legislation. By ALBERT H. ASHMEAD, M. D., of New York.
Premature Burial. By PROF. H. J. GARRIGUES, A. M., M. D., of New York.
International Leprosy Legislation. By ISIDORE DYER. M. D., of New Orleans, La.
Medical Expert Testimony. By J. B. RANSOM, M. D., of Dannemora, N. Y.
Sanity, Insanity and Responsibility. By SIMON FITCH, M. D., of Nova Scotia.
Auto-Hypnotism. By CARL SEXTUS, ESQ., of Colorado.
Alternating Personalities. By HENRY S. DRAYTON, M. D., of New York.
The Brutality of Capital Punishment. By GUSTAVE BOEHM, ESQ., of New Jersey.
Psychological Studies of Criminals. By GEO. W. GROVER, M. D., of Sheffield, Mass.
The X Ray—Safe Application. By J. MOUNT BLEYER, M. D., LL. D., of New York.
Medico-Legal Questions in Damage Cases. By CLARENCE A. LIGHTNER. ESQ., of Detroit.
Feigned Diseases. By J. ADELPHI GOTTLIEB, M. D., of New York.
The X Ray in Forensic Medicine. By FRANK WARD ROSS, M. D., of Elmira.
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Immorality on the Judicial Bench. By T. CRISP POOLE, ESQ., of Australia.
Medical Evidence in Criminal Cases. By W. H. S. MONCK, ESQ., of Dublin.
Progress in Medico-Legal Surgery. By CLARK BELL, ESQ., LL. D., of New York.
The Cigarette—Does It Cause Insanity? (with opinions of Scientists). *By CLARK BELL, ESQ., LL. D., of New York.*
Sub-Liminal Consciousness. By W. H. S. MONCK, ESQ., of Dublin.
Aphasia and Testamentary Capacity. By THE EDITOR.
The Criminal Responsibility of the Insane. By THE EDITOR.
Hypnotism. By THE EDITOR.
Suicide and the Insanity of Inebriety, By THE EDITOR.
Medical Conduct of the War. By GEO. W. GROVER, M. D., of Mass.
The Santiago Campaign. By CLARK BELL, ESQ., of New York.
The Same Subject. By DR. F. MEDINA FERRER, of New York.
The Same Subject. By LT. COL. V. HAVARD, M. D., Chief Surgeon U. S. A.
The Supreme Court of Connecticut. By JUDGE SIMEON E. BALDWIN, and others.
Sketches and Portraits of Judges and ex-Judges of that Court. By THE EDITOR.
The Supreme Court of Rhode Island. By CLARK BELL, ESQ., of New York.
Same Subject (Early History). By HON. W. P. SHEFFIELD, of Newport.
The New Supreme Court of Santiago de Cuba. By CLARK BELL, ESQ., and the Judges of that Court
Instant Death by Decapitation Impossible. By J. MOUNT BLEYER. M. D., of New York.
Inaugural Address. By ALBERT BACH, ESQ., as President. of New York.
Practice of Medicine and Charlatanism. By PROF. F. BROUARDEL, of Paris.
Sex in Punishment for Crime. By CLARK BELL, ESQ., of New York.
Double Personality. By WM. LEE HOWARD, M. D., of Baltimore, Md.
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Vol. XVII was completed by the March Number, 1900, and contains the following Articles and Illustrations:

Sketch of Supreme Court of Minnesota. By CLARK BELL, ESQ., LL. D., of New York.
Supreme Court of New Hampshire. By ALBERT S. BATCHELLOR, ESQ., of Littleton, N. H.
Physicians as Expert Witnesses. By HENRY WOLLMAN, ESQ., of the Bar of New York.
Contact Shots—Case of Frank N. Sheldon. By WM. B. CHISHOLM, of Auburn, N. Y.
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Corporal Punishment for Crime. By JUDGE SIMEON E. BALDWIN, of Connecticut: CLARK BELL, ESQ., of New York, and eighteen Judges, Lawyers and Criminologists, in a Symposium on this topic.
Sketches of the Lives of Ex-Judges of the Supreme Court of Rhode Island and Minnesota with Portraits and Groups.
History of the Supreme Court of Ohio. By HON. CONWAY W. NOBLE, of Cleveland, Ohio
Christian Science and the Law. By HON. MORITZ ELLINGER, ESQ.; HOWARD ELLIS, ESQ.; CAROL NORTON, C. S. D.; H. GERALD CHAPIN, LL. D. and JOHN CARROLL LOTHROP, C. S. D., all of New York City.
The Dreyfus Case. By HOWARD ELLIS, ESQ., of New York City.
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Same Subject. By L. L. GILBERT, ESQ., of Pittsburg, Pa.
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Early Judicial History of Rhode Island. By CLARK BELL, ESQ.
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Annual Report of the Psychological Section. By THE COMMITTEE.
American Congress of Tuberculosis. Transactions and Proceedings.
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Colored Rays of Light. By DR. J. MOUNT BLEYER, M. D., of New York.
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Same Subject. By DR. C. DENISON, of Denver.
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Insanity and Crime.—By Prof. Moritz Benedikt.
Poisoning by Aconite. The Condon Case.—By William S. Magill, M. D., of N. Y.
The London Congress of Tuberculosis. Reports on Same by H. Edwin Lewis, of Vermont; Dr. A. C. Bagnays, of St. Louis; Dr. John Clinton Shrader, of Iowa, and Fred. L. Hoffman, Esq., of Newark, N. J.
The Basophilic Leucocyte vs. the Tubercle Bacilli.—By Edwin Leonard, Jr., M. D.
Crime and Criminals.—By Edwin C. Walker, Esq., of N. Y.
The Case of Leonora E. Piper—Hypnotism, Telepathy and Spiritism, with contributions by Dr. Thomson Jay Hudson, of Detroit; Dr. John Duncan Quackenbos, of N. Y.; Clark Bell, Esq., of N. Y.; Judge Abram H. Daily, of Brooklyn; H. C. Wright, Esq.; Eleanor Gridley, of Chicago, Ill.; Dr. Alexander Wilder, of Newark, N. J.; Prof. W. Xavier Sudduth; T. D. Crothers, M. D., of Hartford; Dr. Wm. Lee Howard, of Baltimore; Rev. Minot J. Savage; Richard Hodgson, LL. D.; Prof. J. H. Hyslop; Mrs. M. Louise Thomas, of N. Y.; Rev Geo. H. Hepworth; C. Van D. Chenoweth, of Worcester, Mass.; Mary Elizabeth Lease, of N. Y.; Mrs. Leonora E. Piper's statement as published in the N. Y. Herald; Prof. Wm. James; Wm. L. Walsh; Dr. F. Wallace Patch, of the Massachusetts General Hospital.
The Relationship between Human and Bovine Tuberculosis.—By Prof. J. G. Adami, of McGill Uni. Montreal.

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